92D CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 92-1582

FLOOD CONTROL ACT OF 1972

OCTOBER 12, 1972.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany S. 4018]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That 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 Act. 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, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Virginia Beach, Virginia, authorized by the River and Harbor Acts approved September 3, 1954, and October 23, 1962, as amended and modified, is hereby further modified and expanded substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-365, at an estimated cost of $17,010,000.

83-006—72——1

JAMES RIVER BASIN

The project for flood protection for the city of Buena Vista on the Maury River, Virginia, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated August 30, 1972, at an estimated cost of $11,539,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

SALT RIVER BASIN

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 25, 1972, at an estimated cost of $50,800,000.

WATER RESOURCES IN APPALACHIA

The plan for flood protection, navigation, and other purposes in Appalachia is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources except that the project for Royal Glen Reservoir, South Branch, West Virginia, is not authorized, and that the Secretary of the Army, acting through the Chief of Engineers, shall modify the project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, to conform substantially to the physical works of plan A in the Report for Development of Water Resources in Appalachia. Office of Appalachia Studies, Corps of Engineers, November 1969, part III, chapter 14. Not to exceed $50,000,000 is authorized for initiation and partial accomplishment of the plan.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–359, at an estimated cost of $32,410,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordnace with the recommendations of the Chief of Engineers in House Document Numbered 92–282, at an estimated cost of $38,146,000.

GULF COASTAL AREA

The project for flood control and other purposes on the Blanco River in the Edwards Underground Reservoir Area, at Clopton Crossing, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–364, at an estimated cost of $42,271,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–361, at an estimated cost of $14,600,000.

GRAND RIVER BASIN

The project for flood protection on the Grand River and tributaries, Missouri and Iowa authorized by the Flood Control Act of 1965 is hereby modified to authorize and direct the Chief of Engineers to immediately proceed with the engineering and design of the Pattonsburg Lake project as presently authorized and to include provisions necessary so as not to preclude the subsequent addition of a complete power installation provided that prior to initiation of construction the Chief of Engineers would submit a report on the scale and scope of the project which best meets the needs of the area to Congress for further action by Congress as appropriate.

UMPQUA RIVER BASIN

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document 92–371, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project.

LOWER MISSISSIPPI RIVER

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 November 7, 1966, as amended and modified, is hereby further amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–367, at an estimated cost of $6,600,000.

The Cache River Basin Feature, Mississippi River and Tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified and expanded to provide for acquisition by fee or by environmental easement of not less than 70,000 acres for mitigation lands for fish and wildlife management purposes at an estimated cost of $5,232,000. Local interests shall contribute 50 per centum of any costs incurred in excess of $4,740,000 in acquiring such property rights. An environmental easement shall prevent clearing of the subject land for commercial agricultural purposes or any other purpose inconsistent with wildlife habitat and shall allow any landowner to manage the subject lands to provide a perpetual, regularly harvested hardwood forest, which may be harvested in such a manner as to provide food and habitat for a variety of wildlife. No action may be initiated for any other taking of prospective mitigation lands until an offer has been made to the land owner thereof to take an environmental easement except that no less than 30,000 acres shall be open for public access. If any landowner commences the clearing of prospective mitigation land, condemnation proceedings may be commenced at any time after an offer to take an environmental easement has been made but not accepted. No more than $25 per

acre shall be paid for environmental easements. Easement-taking offers shall allow the landowner the choice of keeping access subject to private control or allowing public access. The price paid for easements not allowing public access shall take account of the value of hunting and fishing rights not included in the taking and be reduced accordingly.

SEC. 2. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer Glen.

SEC. 3. (a) The costs of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States.

(b) The provisions of this section shall apply to any such project authorized under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, and to each project which heretofore was authorized in accordance with the policy set forth in this section, and to any such project hereafter recommended for authorization.

SEC. 4. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and objects".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: "to clear the channel, and not to exceed $150,000 each fiscal year thereafter to maintain such channel".

SEC. 5. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta waters.

SEC. 6. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors.

SEC. 7. Section 113 of the River and Harbor Act of 1968 (82 Stat 731, 736) is hereby amended to read as follows:

"SEC. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers slip, extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled, or are 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, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests

shall reimburse the Federal Government for any engineering costs incurred under this section."

SEC. 8. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Conway, Arkansas, by the construction of water supply impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

SEC. 9. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations 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):

East Two Rivers between Tower, Minnesota, and Vermilion Lake.

Alice, Texas.

Buffalo River Basin, New York (wastewater management study).

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Corpus Christi Ship Channel, Texas, with particular reference to providing increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas.

Saint Marys River at and in the vicinity of Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

SEC. 10. (a) As soon as practicable after the date of enactment of this section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after requested by the Secretary and which shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it

unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to any project which has been included in a resolution adopted pursuant to subsection (b).

SEC. 11. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r–1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

SEC. 12. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof, recommended by the Chief of Engineers in his report dated November 25, 1970, independently of the investigation of alternative methods called for by such Act, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as such Secretary may deem necessary. Such improvements shall be for interim and remedial type protection and shall not be in conflict with any alternative plan for Sandridge Dam.

SEC. 13. The project for flood protection at Saint Louis, Missouri, authorized by the Act of August 9, 1955 (69 Stat. 540), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads, at an estimated cost of $1,300,000. The conditions of local cooperation recommended by the Chief of Engineers in Senate Document Numbered

57, Eighty-fourth Congress, shall be applicable to the reconstructed access roads.

SEC. 14. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. Such bridge shall be constructed by the Chief of Engineers in accordance with such plans as are determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 15. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 16. The project for Tuttle Creek Reservoir, Big Blue River, 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 the Secretary of the Army, acting through the Chief of Engineers, in his descretion to improve that portion of FAS 1208 extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with county road in section 14, township 8 south, range 7 east, approximately 5.78 miles, and there is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 17 (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting

through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 18. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered AA-40058-CIVENG-60-431, dated December 1, 1959.

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility.

(d) The conveyance authorized by this section shall be made upon payment by the lodge to the Secretary of the Army of an amount of money equal to the fair market value of the property. The fair market value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

SEC. 19. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries, Incorporated, of Blossburg, Pennsylvania, such sum as he determines equitable to compensate such foundry for long-term economic injury through increased costs as the result of the abandonment or cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes project. Such payment shall be made only on condition that such foundry continues to do substantial business at such location. The Secretary of the Army shall pay such sum in five annual installments as determined equitable by him, including an initial payment sufficient to cover the costs of converting from rail to truck shipment facilities. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

SEC. 20. Subsection (f) of section 221 of the Flood Control Act of 1970 is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

Sec. 21. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

Sec. 22. The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate at Federal expense that portion of the existing Mankato interceptor sewer extending approximately two thousand feet upstream of the Warren Creek Pumping Station. Such relocated interceptor sewer shall be designed and constructed in a manner which the Secretary of the Army determines best serves present and future municipal needs.

Sec. 23. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such States and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

Sec. 24. The project for flood protection on the Pequonnock River, Connecticut, authorized by section 203 of 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 advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the St. Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be repaid by the town within ten years of the date of enactment of this Act.

Sec. 25. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

Sec. 26. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1974, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

Sec. 27. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1974, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

SEC. 28. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

SEC. 29. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", by inserting after the words "public works," "churches, hospitals, schools, and other nonprofit public services," and by striking out "$50,000" and inserting in lieu thereof "$250,000".

SEC. 30. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to provide a perimeter access road, utilizing existing roads to the extent feasible, surrounding Lake Texoma, Texas and Oklahoma. There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

SEC. 31. The project for Kehoe Lake located on Little Sandy River and Tygarts Creek, Kentucky, authorized by the Flood Control Act of 1966, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire, as a part of such project, in fee simple, an area consisting of approximately four thousand acres extending from the presently authorized project to Interstate Highway 64; to maintain such area in its natural state; and to conduct environmental investigations and provide access control facilities to assure appropriate protection and enhancement of this unique resource. Acquisition of these lands shall not be commenced until an agreement satisfactory to the Secretary of the Army has been entered into with the appropriate non-Federal interests to manage the area.

SEC. 32. The project for enlargement of Lavon Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed $600,000.

SEC. 33. Clause (3) of subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended to read as follows: "(3) Federal participation in the cost of a project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs.".

SEC. 34. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank protection works along the Ohio River from New Matamoras to Cincinnati, Ohio, to protect public and private property and facilities threatened by erosion.

(b) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Ohio River with particular emphasis on the reach from Chester to Kenova, West Virginia, with a view to determining whether bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems; (3) report to Congress the results of the studies together with his recommendations in connection therewith; and (4) the Secretary of the Army is authorized to undertake

measures to construct and evaluate demonstration projects as determined by the Chief of Engineers.

(c) Prior to construction of any projects under subsection (a) or (b) local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects, and operate and maintain the projects upon completion.

SEC. 35. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

SEC. 36. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, and not to exceed $10,000,000 is authorized for such purpose.

SEC. 37. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 38. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972, at an estimated cost of $9,500,000.

SEC. 39. Section 222 of the Flood Control Act of 1970 (Public Law 91–611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled, 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

SEC. 40. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal

and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 41. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 42. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 43. The project for navigation at Port San Luis, San Luis Obispo Harbor, California, authorized by the River and Harbor Act of 1965, Public Law 89–298, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the required local interest's share of the cost of constructing the general navigation features of such project.

SEC. 44. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed $2,000,000 to carry out this section.

SEC. 45. The comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to provide for emergency bank stabilization works in that reach of the Missouri River between Gavins Point Dam and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. Such determination shall be made in cooperation with the Governors of South Dakota and Nebraska with regard to priority of locations to be protected and the nature of the protective works. Provisions (a), (b), and (c) of section 3 of the Act of June 22, 1936, shall apply to the work undertaken. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to the Congress a report recommending such additional bank stabilization measures as he deems necessary for construction below Gavins Point. There is hereby authorized $5,000,000 to carry out this section.

SEC. 46. The project for the Beaver Brook Dam and Reservoir, Keene, New Hampshire, authorized by the Flood Control Act of 1968 (82 Stat. 739) is hereby modified to provide that the cash contribution required of local interests, as their share of the costs of lands, easements, rights-of-way, and relocations allocated to flood control, shall be 13.9 per centum of the total project cost.

SEC. 47. The Cave Run Lake project authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

SEC. 48. 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 non-navigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures 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 New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable 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 or the erection of permanent pile-supported structures thereon: Beginning at a point on the United States bulkhead line lying shoreward of a line parallel to and one hundred feet easterly from the United States Pierhead line, as it exists on the date of enactment of this Act, and bounded on the north by a line parallel to and one hundred forty feet southerly from the northerly line of West Forty Seventh Street extended westerly, and bounded on the south by the north side of West Forty Third Street extended westerly. This declaration shall apply only to portions of the above described area which are 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.

SEC. 49. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title, and interest of the United States in and to the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b)(1) The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereon.

(3) The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

(c) The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.

SEC. 50. (a) Section 252 of the Disaster Relief Act of 1970 (Public Law 90–606, 84 Stat. 1757) is amended by adding at the end thereof the following:

"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been incurred in providing such services but for the disaster."

(b) The amendment made by section (a) of this section shall take effect as of August 1, 1969.

SEC. 51. The Beaver Dam in the State of Arkansas shall hereafter be known as the James W. Trimble Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of "James W. Trimble Dam."

SEC. 52. The portion of the project for flood protection on Chartiers Creek that is within Allegheny County, Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298), shall be designated as the "James G. Fulton Flood Protection Project". Any reference to such project in any law, regulation, map, document, record, or other paper of the United States shall be held to be a reference to the "James G. Fulton Flood Protection Project".

SEC. 53. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes so as to provide that the initial and subsequent payments for the present demand water supply storage under the contract may be deferred for a period of up to ten years.

Sec. 54. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount estimated at $664,000 for construction of fish hatchery facilities for mitigation of losses of natural spawning areas for anadromous trout occasioned by project construction.

Sec. 55. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:

"Sec. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount estimated at $4,000,000 may be used in the construction of fish hatchery facilities and the performance of related services, for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

Sec. 56. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170) is hereby modified to provide that the Secretary of the Army, hereinafter designated as the "Secretary", in order to conform with the purposes of the Fish and Wildlife Coordination Act of August 12, 1958 (72 Stat. 563) is authorized to acquire not more than twelve thousand acres of land for the mitigation of wildlife grazing losses caused by the project.

(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana all right, title, and interest of the United States in the land acquired under subsection (a), for use for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.

(c) There is authorized to be appropriated not to exceed $2,000,000 to carry out the provisions of this section.

Sec. 57. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to compensate the drainage districts and owners of levied and unlevied tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities including gravity drains, structures, pumps, and additional pumping operational costs made necessary by, and crop and other damages resulting from, the duration of higher flows during drawdown operations at Libby Dam.

Sec. 58 The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam.

Sec. 59. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through

the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed $2,000,000, for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.

SEC. 60. The bridge to be built as a part of Interstate Route 35 in the State of Missouri over the Grand River shall be constructed at an elevation sufficient to allow for a maximum pool elevation of eight hundred and thirty-six feet above mean sea level in the proposed Pattonsburg Dam and Lake project.

SEC. 61. (a) The Secretary of the Army (hereafter in this section referred to as the "Secretary") acting through the Chief of Engineers and in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90–483) by the Corps of Engineers, the Department of the Interior, and the Department of Agriculture, as modified by this Act, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archaelogic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural ingegrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing entitled "Big South Fork National River and Recreation Area" numbered BSF–1 and dated September 26, 1972, which shall be on file and available for public inspection in the office of the Chief of Engineers.

(b) The Secretary shall establish the Big South Fork National River and Recreation Area by publication of notice thereof in the Federal Register when he determines that the United States has acquired an acreage within the boundaries of the National River and Recreation Area that is efficiently administrable for the purposes of this section. The Secretary may revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand.

(c)(1) Within the boundaries of the Big South Fork National River and Recreation Area, the Secretary, acting through the Chief of Engineers, may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise, except that lands owned by the States of Kentucky and Tennessee or any political subdivisions thereof may be acquired only by donation and may exercise the power of eminent domain when necessary. When an individual tract of land is only partly within the boundaries of the national river, the Secretary, acting through the Chief of Engineers, may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river and recreation area may be exchanged by the Secretary, acting through the Chief of Engineers, for non-Federal lands within the national river and recreation area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions

of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Notwithstanding any other provision of law, any Federal property within the boundaries of the national river and recreation area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this section.

(2) With the exception of property or any interest in property that the Secretary, acting through the Chief of Engineers, determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary, acting through the Chief of Engineers, may retain the right of use and occupancy of such property for such purposes for a term, as the owner may elect, ending either (A) upon the death of the owner or his spouse, whichever occurs later, or (B) not more than twenty-five years from the date of acquisition. The Secretary, acting through the Chief of Engineers, shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (i) shall be subject to such terms and conditions as the Secretary, acting through the Chief of Engineers, deems appropriate to assure that the property is used in accordance with the purposes of this section, (ii) may be transferred or assigned, and (iii) may be terminated with respect to the entire property by the Secretary, acting through the Chief of Engineers, upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

Any person residing upon improved property, subject to the right of acquisition by the Secretary, acting through the Chief of Engineers, as a tenant or by the sufferance of the owner or owners of the property may be allowed to continue in such residence for the lifetime of such person or his spouse, whichever occurs later, subject to the same restrictions as applicable to owners residing upon such porperty and provided that any obligation or rental incurred as consideration for such tenancy shall accrue during such term to the Department of the Army to be used in the administration of this section.

(3) As used in this subsection the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1972, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary, acting through the Chief of Engineers, shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, except that the Secretary, acting through the Chief of Engineers, may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(4) In any case where the Secretary, acting through the Chief of Engineers, determines that underlying minerals are removable consistent with the provisions of subsection (e)(3) of this section, the owner of the

minerals underlying property acquired for the purposes of this section may retain such interest. The Secretary, acting through the Chief of Engineers, shall reserve the right to inspect and regulate the extration of such minerals to insure that the values enumerated in subsection (a) are not reduced and that the purposes declared in subsection (e)(1) are not interfered with.

(d) The Secretary, acting through the Chief of Engineers, shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the Big South Fork National River and Recreation Area in accordance with applicable Federal and State laws, except that he may designate zones where, and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary, acting through the Chief of Engineers, pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(e)(1) It is the intent of Congress that the establishment and management of the Big South Fork River and Recreation Area shall be for the purposes of preserving and interpreting the scenic, biological, archeological, and historical resources of the river gorge areas and developing the natural recreational potential of the area for the enjoyment of the public and for the benefit of the economy of the region. The area within the boundary of the river and recreation area shall be divided into two categories; namely, the gorge areas and adjacent areas as hereinafter defined.

(2)(A) Within the gorge area, no extraction of or prospecting for minerals, petroleum products, or gas shall be permitted. No timber shall be cut within the gorge area except for limited clearing necessary for establishment of day-use facilities, historical sites, primitive camp-grounds, and access roads. No structures shall be constructed within the gorge, except for reconstruction and improvement of the historical sites specified in paragraphs (5) and (6) of this subsection and except for necessary day-use facilities along the primary and secondary access routes specified herein and within five hundred feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes.

(B) Primary access routes into the gorge area may be constructed or improved upon the general route of the following designated roads: Tennessee Highway Numbered 52, FAS 2451 (Leatherwood Ford Road), the road into the Blue Heron Community, and Kentucky Highway Numbered 92.

(C) Secondary access roads in the gorge area may be constructed or improved upon the following routes: the roads from Smith Town, Kentucky to Worley, Kentucky, the road crossing the Clear Fork at Burnt Mill Bridge, the road from Goad, Tennessee, to Zenith, Tennessee, the road from Co-Operative, Kentucky to Kentucky Highway Numbered 92, the road entering the gorge across from the mouth of Alum Creek in Kentucky, the road crossing the Clear Fork at Peters Bridge.

(D) All other existing roads in the gorge area shall be maintained for nonvehicular traffic only except that nothing in this subsection shall abrogate the right of ingress and egress of those who remain in occupancy under subsection (c) (1) of this section.

(E) Road improvement or maintenance and any construction of roads or facilities in the gorge area as permitted by this subsection shall be

accomplished by the Secretary, acting through the Chief of Engineers, in a manner that will protect the declared values of this unique natural scenic resource.

(3) In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospecting for minerals and the extraction of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the recreation area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary, acting through the Chief of Engineers, may prescribe to minimize detrimental environmental impact, such regulations shall provide among other things for an area limitation for each such operation, zones where operations will not be permitted, safeguards to prevent air and water pollution; no storage facilities for petroleum products or natural gas shall be located within the boundary of the project; the Secretary, acting through the Chief of Engineers, is authorized to construct two lodges with recreational facilities within the adjacent areas so as to maximize and enhance public use and enjoyment of the entire area; construction of all roads and facilities in the adjacent areas shall be undertaken with careful regard for the mainetnance of the scenic and esthetic values of the gorge area and the adjacent areas.

(4) The gorge area as set out in subsections (1) and (2) of this section shall consist of all lands and waters of the Big South Fork and its primary tributaries that lie within the gorge or valley rim on either side, except that no lands or waters north of Kentucky Highway Numbered 92 shall be included. Where the rim is not clearly defined by topography, the gorge boundary shall be established at an elevation no lower than that of the nearest clearly demarked rim on the same side of the valley. The designated adjacent areas shall consist of the balance of the project area.

(5) The Secretary, acting through the Chief of Engineers, shall consult and cooperate with the Tennessee Historical Commission and the Rugby Restoration Association and with other involved agencies and associations, both public and private, concerning the development and management of the Big South Fork River and Recreation Area in the area adjacent to Rugby, Tennessee. Development within this area shall be designed toward preserving and enhancing the historical integrity of the community and any historical sites within the boundary of the project.

(6) The Secretary, acting through the Chief of Engineers, shall provide for the restoration of the Blue Heron Mine community in a manner which will preserve and enhance the historical integrity of the area and will contribute to the public's understanding and enjoyment of its historical value. To that end the Secretary, acting through the Chief of Engineers, may construct and improve structures within and may construct and improve a road into this community notwithstanding any other provision of this section.

(7) The Secretary, acting through the Chief of Engineers, shall study the desirability and feasibility of reestablishing rail transportation on the abandoned O&W railbed or an alternative mode of transportation within the national river and recreation area upon the O&W roadbed, and shall report his recommendation with regard to development of this facility.

(8) The Secretary, acting through the Chief of Engineers, shall consult with the Bureau of Outdoor Recreation in the development of a recreation plan for the Big South Fork National River and Recreation Area.

(f) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), on or directly affecting the Big South Fork National River and Recreation Area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, acting through the Chief of Engineers. Nothing contained in the foregoing sentence however, shall preclude licensing of, or assistance to, developments below or above the Big South Fork National River and Recreation Area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreation, and fish and wildlife values present in the area on the date of enactment of this section. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, acting through the Chief of Engineers, or request appropriations to begin construction if any such project, whether heretofore or hereafter authorized, without advising the Chief of Engineers in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this section and would affect the national river and recreation area and the values to be protected by it under this section.

(g) The Secretary, acting through the Chief of Engineers, shall study transportation facilities in the region served by the national river and recreation area and shall establish transportation facilities to enhance public access to the national river and recreation area. In this connection the Secretary, acting through the Chief of Engineers, is authorized and directed to acquire the ownership and custody of all public roads required to serve the public use area other than State highways and to establish, operate, maintain, and control at Federal cost an interior and circulating road system sufficient to meet the purposes of this section, except that any existing public road, which at the time of its acquisition continues to be a necessary and essential part of the county highway system at large, may at the discretion of the Chief of Engineers, be relocated outside of such area upon mutual arrangements with the owning agency or else such road shall remain in place and shall be maintained at Federal expense and kept open at all times for general travel purposes. Nothing in this subsection shall abrogate the right of egress and ingress of those persons who may remain in occupancy under subsection (c) of this section, nor preclude, notwithstanding such subsection, the adjustment, relocation, reconstruction, or abandonment of State highways situated in the area, with the concurrence of the agency having the custody thereof upon such arrangements as the Secretary, acting through the Chief of Engineers, deems appropriate and in the best interest of the general welfare.

(h) In furtherance of the purpose of this section the Secretary, acting through the Chief of Engineers, in cooperation with the Secretary of Agriculture, the heads of other Federal departments and agencies involved, and the State of Tennessee and its political subdivisions, shall formulate a comprehensive plan for that portion of the New River that lies upstream from United States Highway Numbered 27. Such plan shall include,

among other things, programs (1) to enhance the environment and conserve and develop natural resources, and (2) to minimize siltation and acid mine drainage. Such plan, with recommendations, including as to costs and administrative responsibilities, shall be completed and transmitted to the Congress within one year from the date of enactment of this section.

(i) The Secretary, acting through the Chief of Engineers, shall consult and cooperate with other departments and agencies of the United States and the States of Tennessee and Kentucky in the development of measures and programs to assure the highest water quality within the Big South Fork National River and Recreation Area and to insure that such programs for the protection of water quality do not diminish other values that are to be protected under this section.

(j)(1) For the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which they may sustain by reason of the fact that certain lands and other property within them may be included within the national river and recreation area established by this section and shall thereafter no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis and in an amount equal to that which they would have received from such taxes, but for the establishment of the national river and recreation area.

(2) For the purpose of enabling the Secretary, acting through the Chief of Engineers, to make such payments during the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977, there are authorized to be appropriated such sums as may be necessary.

(k) There are authorized to be appropriated $32,850,000 to carry out the provisions of this section.

Sec. 62. In honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake", and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the "Richard B. Russell Dam and Lake".

Sec. 63. The authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period, until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed $3,500,000 to carry out this section.

Sec. 64. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1972."

(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline line within this zone due to erosion, the harm to water

quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this section to authorize a program to develop and demonstrate such means to combat shoreline erosion.

(c) (1) The Secretary of the Army, acting through the Chief of Engineers, shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(2) The program shall be carried out in cooperation with the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).

(3) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, gulf, and Pacific coasts, at not less than one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay, particularly at those reaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes in the State of Delaware. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(4) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this section may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) (1) No later than one hundred and twenty days after the date of enactment of this section the Chief of Engineers shall establish a Shoreline Erosion Advisory Panel. The Chief of Engineers shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations, except that such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to subsection (c).

(2) The Panel shall—

(A) advise the Chief of Engineers generally in carrying out provisions of this section;

(B) recommend criteria for the selection of development and demonstration sites;

(C) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(D) make periodic reviews of the progress of the program pursuant to this section;

(E) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(F) perform such functions as the Chief of Engineers may designate.

(3) Members of the Panel shall, while serving on business of the Panel be entitled to receive compensation at rates fixed by the Chief of Engineers, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the chairmen of the Committees on Public Works of the Senate and House of Representatives. The fifth and final report shall be submitted sixty days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

(f) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this section. Sums appropriated pursuant to this subsection shall remain available until expended.

SEC. 65. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in lakes and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion, when in the opinion of the Chief of Engineers such projects are consistent with the objectives of sound flood plain management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

(b) No such project shall be constructed under this section if the estimated Federal first cost exceeds $250,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to

insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

(c) For all projects undertaken pursuant to this section, appropriate non-Federal interests shall furnish assurances satisfactory to the Secretary of the Army that they will—

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

(2) hold and save the United States free from damages due to construction;

(3) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(4) contribute 25 per centum of the first cost of the project.

(d) The authority contained in this section is supplemental to, and not in lieu of, the authority contained in section 14 of the Act approved July 24, 1946 (60 Stat. 653), as amended.

(e) There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of the projects authorized by this section.

SEC. 66. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the local 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.

(b) The requirements for appropriate non-Federal interest or interests to furnish an agreement 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 or States involved, 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.

SEC. 67. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 63–342 and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 64–1, are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and lawful expenses incurred in connection therewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of such funds, if any, shall be used to defray costs of operating and maintaining the bridge.

After such an agreement is entered into with respect to a bridge, that bridge shall thereafter be free of tolls.

SEC. 68. The project for flood control, water supply, and related purposes, in the Pocatalico River Basin, West Virginia, is hereby authorized substantially in accordance with the recommendations contained in the Pocatalico River Basin Joint Study Interim Report prepared by the Corps of Engineers and the Soil Conservation Service, at an estimated cost of $7,545,400, except that no funds shall be appropriated for this project until it is approved by the President.

SEC. 69. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform channel clean-out operations and snagging and clearing for selected streams where chronic and persistent flood conditions exist in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R. D. Bailey Lake project at a total cost not to exceed $2,000,000. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, furnish assurances satisfactory to the Secretary of the Army that they will furnish the necessary lands, disposal areas, easements and rights-of-way, and hold and save the United States free from damages due to the clean-out operations.

SEC. 70. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct small flood protection projects not specifically authorized by Congress, and not within areas intended to be protected by projects so authorized, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable and protects an area which has been declared to be a major disaster area pursuant to the Disaster Relief Act of 1966 or the Disaster Relief Act of 1970 in the preceding five-year period, except that not more than $2,000,000 shall be allotted for this purpose for any one project. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports. There is authorized not to exceed $25,000,000 in each fiscal year for the next five fiscal years to carry out this section.

SEC. 71. (a) The Secretary of the Army acting through the Chief of Engineers, is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and related properties as required by the Act of August 6, 1956 (70 Stat. 1062).

SEC. 72. "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published by the Senate in Senate Document 97 on May 29, 1962,

and the interest rate formula amendment issued by the Water Resources Council effective December 24, 1968, shall remain in effect until December 31, 1973, unless changed prior to that date by an Act of Congress.

SEC. 73. This Act may be cited as the "Flood Control Act of 1972".

And the House agree to the same.

RAY ROBERTS,
WM. J. BRYAN DORN,
DAVID N. HENDERSON,
DON H. CLAUSEN,
GENE SNYDER,
Managers on the Part of the House.

B. EVERETT JORDAN,
LLOYD BENTSEN,
ELAINE S. EDWARDS,
ROBERT DOLE,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

PROVISIONS OF THE SENATE BILL

Section 101 of the Senate bill summarizes the project authorizations for navigation and beach erosion control works in Title I. Projects include: Little River Inlet, N.C. and S.C., Texas City channel, Texas, Kansas River, Kansas City, Kansas, Hoonah Harbor, Alaska, Metlakatla Harbor, Alaska, North Shore of Long Island, N.Y., Presque Isle Peninsula, Erie, Pennsylvania.

Section 102 of the Senate bill would provide that at any water resources development project under the jurisdiction of the Secretary of the Army, where non-Federal interests are required to hold and save the United States free from damages due to the construction operation, and/or maintenance of the project, such requirement shall not include damages due to the fault or negligence of the United States or its contractors.

Section 103 of the Senate bill, which would be cited as the "Shoreline Erosion Control Demonstration Act of 1972", would authorize a program to develop and demonstrate low-cost means to prevent and control shoreline erosion. The Secretary of the Army is directed to establish and conduct, for a period of five years, a national shoreline erosion control development and demonstration program, consisting of planning, constructing, operating, evaluating, and demonstrating prototype devices, both engineered and vegetative. The program would be carried out in cooperation with the Secretary of Agriculture, other Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established by the Act.

Demonstration projects would be undertaken at at least two sites of each of the shorelines at the Atlantic, Gulf and Pacific Coasts, and at least one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay.

A Shoreline Erosion Advisory Panel would be established, to be composed of individuals who are knowledgeable with respect to shoreline erosion, to advise the Secretary of the Army on the program.

The Secretary would be directed to submit an annual progress report and a final evaluation report to the Senate and House of Representatives Committee on Public Works. A total of $6,000,000 would be authorized for the program.

Section 104 of the Senate bill would authorize the Secretary of the Army, acting through the Chief of Engineers, to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, when in the opinion of the Chief of Engineers, such projects would be consistent with the objectives of sound flood plain management and would result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

These criteria are intended to limit the application of the section to those areas where protective measures would result in a general public benefit, through the protection of private as well as public property, such as streambanks along urban or residential areas, places of employment, and facilities performing services to the citizenry in the local areas. The section is designed primarily to protect the general public interest rather than solely to protect private properties.

No single project would be constructed under this section if the estimated Federal first cost exceeds $250,000. An annual expenditure limitation of $10,000,000 is imposed. Appropriate non-Federal interests would be required to furnish assurances that they will provide necessary lands, easements and rights-of-way, hold and save the United States free from damages due to construction, operate and maintain the projects after completion, and contribute 25 per cent of the first costs of the project.

Section 105 of the Senate bill would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to make an intensive evaluation of streambank erosion along the Ohio River, from Chester to Kenova, West Virginia, with a view to determining whether protective measures should be undertaken at this time, develop new techniques for erosion control, and report to Congress on the results of his studies together with his recommendations in connection therewith. The section also would authorize the construction of demonstration projects.

Section 106 of the Senate bill would modify the project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, to provide that local 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 enbankments therefor. This cost sharing requirement would be waived upon a finding by the Administrator of the Environmental Protection Agency, that appropriate local interests are participating in and in compliance with an approved plan for the general area, for the construction, modification, expansion, or rehabilitation of waste treatment facilities, and the Administrator has found that applicable water quality standards are not being violated.

Section 107 of the Senate bill would declare a described portion of the Hudson River in New York County, State of New York, to be a non-navigable water of the United States within the meaning of the laws of the United States, and give the consent of Congress to the filling in of all or any part of the area or the erection of permanent pile supported structures in the area.

The area involved would be the site of the proposed convention and exhibition facility to be erected by the New York City Convention and Exhibition Center Corporation.

Section 108 of the Senate bill would amend the declaration of non-navigability in section 113 of the Rivers and Harbors Act of 1968 by adding pile-supported structures to correct a technical defect in the language of the section, and also would extend the area to be declared non-navigable.

Section 109 of the Senate bill would authorize the States of Missouri and Illinois, or either of them, to contract with the city of Chester, Illinois, for the operation, maintenance, and repair of the Chester Bridge in order to permit the application of toll revenues from the bridge to the retirement of the outstanding debt on the bridge.

Section 110 of the Senate bill would authorize the States of Illinois and Iowa, or either of them, to contract with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, to assume responsibility for the operation, maintenance, and repair of the bridges at those two cities.

Section 111 of the Senate bill would provide that Title I of the Bill may be cited as the "River and Harbor Act of 1972."

Section 201 of the Senate bill would continue the provisions of local cooperation which have been in effect for some time, provide that project authorization would expire if local cooperation is not forthcoming within 5 years after appropriate notification, continue present procedure of submitting reports to the interested States and agencies prior to submission to Congress, and summarize the project authorizations for flood control, hurricane protection, and multiple purpose works in Title II. Projects include: Potomac River Basin, Md. and Va., Santee River Basin, N.C.-S.C., Delaware River Basin, Pa., Middle Atlantic coastal area, Virginia, James River Basin, Buena Vista, Va., Yadkin River Basin, N.C., Pocatalico River, W. Va., Salt River Basin, Campground, Ky., Licking River, Falmouth, Ky., West Tennessee tributaries, Tennessee, Perry County Drainage Districts No. 1, 2, and 3, Cache River Basin, Ark., Pascagoula River, Miss., Pearl River, Miss., Mississippi River at Prairie du Chien, Wis., Des Moines River, Spring River Basin, Mo., Grand River Basin, Mo., Great Lakes, Point Place, Ohio, Beals Creek, Tex., Peyton Creek, Tex., Blanco River, Tex., South Umpqua River, Oreg.

Section 202 of the Senate bill would modify the comprehensive plan for flood control and other purposes in the White River Basin to provide for a free highway bridge over the Norfork Lake in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Lake.

Section 203 of the Senate bill would modify the project for flood control below Chatfield Dam on the South Platte River, Colorado, to authorize the Secretary of the Army to participate with non-Federal interests in the acquisition of lands and the development of recreation immediately downstream of the Chatfield Dam in lieu of a portion of the authorized channel improvements.

Section 204 of the Senate bill would authorize and direct the Secretary of the Army to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, certain described tracts of land at the Garrison Dam and Reservoir project on the Missouri River. The lands would be used solely for public park and recreational purposes, and if they are ever used for any other purpose title would revert automatically to the United States.

Section 205 of the Senate bill would amend existing authority of the Secretary of the Army to undertake small projects for snagging and clearing for flood control in two respects. It would raise the limit for individual projects from $100,000 to $250,000 and the annual expenditure limit from $2,000,000 to $5,000,000. The increase is needed to keep pace with rising construction costs.

Section 206 of the Senate bill would increase the monetary limitations applicable to emergency bank protection works undertaken by the Corps of Engineers. The individual project amount would be raised from $50,000 to $250,000 and the annual expenditure limitation from $1,000,000 to $5,000,000. The increases are necessary to keep pace with the increase in construction costs since 1946 when the authority was enacted. The section also would clarify the application of the authority by adding churches, hospitals, schools, and other non-profit public services to the definition of facilities which are eligible for protection.

Section 207 of the Senate bill would modify the project for flood protection on the Pequonnock River, Connecticut, to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the Saint Joseph's Manor Nursing Home. The advance, less the amount representing increased costs resulting from construction out of the planned sequence, would be repaid to the United States within ten years of the date of enactment of the bill.

Section 208 of the Senate bill would increase the appropriation authorization for the resolution of seepage and drainage problems in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of the Gavins Point Dam and Lewis and Clark Lake project.

Section 209 of the Senate bill would amend section 211 of the Flood Control Act of 1970 by postponing the date on which it would become effective from January 1, 1972 to January 1, 1974.

Section 210 of the Senate bill would designate the portion of the project for flood control on Chartiers Creek that is within Allegheny County, Pennsylvania, as the James G. Fulton Flood Protection Project.

Section 211 of the Senate bill would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to undertake such emergency bank stabilization measures as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam on the Missouri River.

Section 212 of the Senate bill would designate the Beaver Dam in the State of Arkansas as the James W. Trimble Dam.

Section 213 of the Senate bill would authorize the Secretary of the Army, acting through the Chief of Engineers, to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee River, Washington, for municipal and industrial water supply so as to provide that the initial payments may be deferred for a period of up to ten years.

Section 214 of the Senate bill would modify the project for Wynoochee Dam and Lake to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to

transfer to the State of Washington an amount estimated at $664,000 for construction of fish hatchery facilities for mitigation of project-caused losses of natural spawning areas for trout.

Section 215 of the Senate bill would raise the authorization to meet the increased cost of participation with the State of Montana in the construction, operation, and maintenance of fish hatchery facilities to mitigate fish losses caused by the Libby Dam project, Kootenai River, Montana.

Section 216 of the Senate bill would modify the project for Libby Dam, Montana, to authorize the Secretary of the Army to acquire not more than twelve thousand acres of land for the mitigation of wildlife grazing losses caused by the project, and to participate with the State of Montana in the maintenance of the lands for grazing purposes. The lands would be turned over to the State for management, with appropriate restrictions to assure their continued sound management for mitigation of the grazing losses.

Section 217 of the Senate bill would modify the project for Libby Dam, Montana, to authorize the Secretary of the Army, acting through the Chief of Engineers, to compensate drainage districts and owners of levied and unlevied tracts, in Kootenai Flats. Boundary County, Idaho, for modification to facilities, and additional pumping costs made necessary by higher water levels, and crop and other damages resulting from higher flows during drawdown operations at Libby Dam.

Section 218 of the Senate bill would modify the project for Libby Dam, Montana, to authorize the Secretary of the Army, acting through the Chief of Engineers, to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge located at the mouth of Deep Creek as it joins the Kootenai River.

Section 219 of the Senate bill would permit the State of North Carolina to commence work on the project and be reimbursed up to an amount of $2,000,000. The provisions of Section 215 of the 1968 Act relating to the agreement required, approval by the United States, and the like, are made applicable.

Section 220 of the Senate bill would provide that the bridge to be built as a part of Interstate Route 35, in the State of Missouri over the Grand River, shall be constructed at an elevation sufficient to allow for a maximum pool elevation of eight hundred and thirty-six feet above mean sea level in the proposed Pattonsburg Dam and Lake project.

Section 221 of the Senate bill would amend the small flood control project authority of the Secretary of the Army by increasing the individual project limitation from $1,000,000 to $2,000,000, and the annual program limitation from $25,000,000 to $50,000,000. The increase is needed to keep pace with the increase in construction costs since the existing limits were set.

Section 222 of the Senate bill would authorize the Secretary of the Army, acting through the Chief of Engineers, to perform channel clean-out operations and snagging and clearing for selected streams where chronic and persistent flooding conditions exist in the lower Guyandot River Basin, West Virginia, in the interest of flood control and related purposes.

Section 223 of the Senate bill would remove the requirement for the approval by the Appalachian Regional Commission and the President prior to work on a project in Tug Fork Valley, West Virginia, authorized in the 1970 Flood Control Act.

Section 224 of the Senate bill would authorize the Secretary of the Army, acting through the Chief of Engineers, to perform such work as may be necessary to provide for the repair and conversion to a fixed type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

Section 225 of the Senate bill would establish the Big South Fork National River and Recreation Area.

Subsection (a) of this section would direct the Secretary of the Army through the Chief of Engineers and in accordance with the national recreation alternative of the Interagency Report to establish a recreation area on the Big South Fork of the Cumberland River in Kentucky and Tennessee for the purpose of preserving the natural values of the gorges and free-flowing rivers and streams and for the purpose of developing the area's potential for healthful outdoor recreation.

Subsection (b) of this section provides that the project area would consist of 125,000 acres maximum.

Subsection (c) of this section would give the Secretary the right to acquire property by donation, purchase, or by the use of eminent domain, so that the total area may be efficiently acquired.

Persons residing within the boundary of the project area would be given the right to retain their property for their lifetime or for a term of 25 years at their election. Tenants residing upon property to be acquired would be allowed to continue residence during their lifetime.

Minerals underlying the recreation area and which could be recovered by deep mining where the adit to such mine is located outside the boundary and where such mining will not disrupt the surface could be retained for removal by the owner or owners subject to inspection and regulation by the Secretary.

Subsection (d) of this section would permit hunting and fishing within the recreation area, but subject to such regulations as the Secretary may issue to insure safety to other recreationists and compatibility with other recreational uses.

Subsection (e) of this section would, for the purposes of administration, divide the recreation area into two distinct sections—the gorge area and the adjacent areas. Within the gorge area the removal of timber and minerals for commercial purposes would be strictly prohibited.

Subsection (f) of this section would provide that the emphasis of development of the Big South Fork National River and Recreation Area would be the preservation of the unique natural resource afforded by the free-flowing streams and rivers. The construction of any dam or appurtenance thereto which would diminish these values would be prohibited.

Subsection (g) of this section would direct the Secretary to study the transportation access to the recreation area. Additionally the Secretary would establish an internal network of roads sufficient to supply ready access to the facilities of the recreation area.

Subsection (h) of this section would provide that the Corps shall with the assistance of other interested Federal Agencies and with the

State of Tennessee formulate a comprehensive plan for improvement of the water quality of the New River.

Subsection (i) of this section would charge the Secretary to maintain the water quality of the Big South Fork and in the execution of this function to cooperate with appropriate federal and state agencies.

Subsection (j) of this section would provide for the payment to the counties of sums in lieu of taxes during the first five years of the project.

Subsection (k) of this section would authorize the appropriation of $32,850,000 for the purposes of this section.

Section 226 of the Senate bill would make mandatory, rather than discretionary, a 70 per centum Federal share, exclusive of land costs, in the cost of beach erosion control projects under section 208 of the Flood Control Act of 1970 which also provides hurricane protection.

Section 227 of the Senate bill would modify the project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania (Tioga-Hammond Dam) to authorize the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries of Blossburg, Pennsylvania, such sums as he determines equitable to compensate the foundry for loss of rail transportation caused by the project. Not to exceed $1,100,000 would be authorized to be appropriated to carry out the section.

Section 228 of the Senate bill would modify the Cave Run Lake Project, authorized by the Flood Control Act, approved June 22, 1936, and June 28, 1938, to require full opportunity for public review and comment on the environmental impact statement pertaining to any proposed road to the Zilpo Recreation Area located in Bath and Menifee Counties, Kentucky, prior to any construction of such road.

Section 229 of the Senate bill would designate the Trotters Shoal Dam and Lake, Savannah River, Georgia and South Carolina, as the "Richard B. Russell Dam and Lake".

PROVISIONS OF THE HOUSE AMENDMENT

The first section of the House amendment provides that sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects which would be authorized by the amendment, and it summarizes the project authorizations. Projects included are: Middle Atlantic coastal area, Virginia, water resources in Appalachia, Pascagoula River Basin, Mississippi, Pearl River Basin, Mississippi Gulf coastal area, Texas, Spring River Basin, Missouri, Fall Creek Basin, Indiana, Umpqua River Basin, Oregon, Lower Mississippi River, Tennessee and Arkansas.

Section 2 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to remove the sunken steamer Glen from Manistee Harbor, Michigan.

Section 3 of the House amendment would provide that the costs of operation and maintenance of the general navigation features of small boat harbor projects would be borne by the United States. The provisions of the section would apply to all such projects which would be authorized by this amendment, those authorized under section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, and to any such project heretofore authorized in accordance with this policy, and hereafter recommended for authorization.

Section 4 of the House amendment would amend section 116 of the River and Harbor Act of 1970 to provide for continued maintenance of the channel of the North Branch of the Chicago River, Illinois, by the Secretary of the Army.

Section 5 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta waters.

Section 6 of the House amendment would provide that at any water resources development project under the jurisdiction of the Secretary of the Army, where non-Federal interests are required to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, such requirement shall not include damages due to the fault or negligence of the United States or its contractors.

Section 7 of the House amendment would amend the declaration of non-navigability with respect to certain areas of the East and Hudson Rivers, New York, under section 113 of the River and Harbor Act of 1968.

Section 8 of the House amendment would modify the McClellan-Kerr Arkansas River Navigation System to include alteration at Federal expense of the municipal water supply facilities of the City of Conway, Arkansas, by the construction of water impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity is approximately equivalent to that existing before construction of the navigation system.

Section 9 of the House amendment would authorize the Secretary of the Army to make survey investigations for navigation, flood control, and allied purposes at the following named localities:

East Two Rivers between Tower, Minnesota and Vermilion Lake.

Alice, Texas.

Buffalo River Basin, New York (Wastewater management study).

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Corpus Christi Ship Channel, Texas, with particular reference to providing increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas.

Saint Marys River at and in the vicinity of Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

Section 10 of the House amendment would provide that as soon as possible after the date of enactment of the section, and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects under his jurisdiction which have been authorized

for at least eight years and which he determines should no longer be authorized. Each project so listed would be accompanied by the recommendation of the Chief of Engineers together with his reasons for the recommendation. Prior to the submission of the list, the Secretary of the Army, acting through the Chief of Engineers, would obtain the views of interested Federal agencies and the Governor of each state in which the project is located, and these views accompany the list submitted to Congress.

Section 11 of the House amendment would amend section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r–1), to allow the Chief of Engineers or the Commissioner of the Bureau of Reclamation to make use of traffic projections in the engineering determination of the design standard to be used in the relocation of public roads at Federal expense as part of Federal water resources project construction.

Section 12 of the House amendment would modify the project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, authorized by the Flood Control Act of 1970, to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof, recommended as part of the original project, independent of the investigation of alternative methods called for by the 1970 Act. The work authorized is limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as may be deemed necessary by the Secretary.

Section 13 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection at Saint Louis, Missouri, so as to adequately carry present and anticipated traffic loads.

Section 14 of the House amendment would modify the comprehensive plan for flood control and other purposes in the White River Basin to provide for a free highway bridge over the Norfork Lake in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfork Dam and Lake.

Section 15 of the House amendment would modify the projects for Melvern Lake and Pomona Lake, Kansas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of the projects which he determines to be necessary for appropriate utilization of the projects. Not to exceed $500,000 would be authorized to be appropriated to carry out the section.

Section 16 of the House would modify the project for Tuttle Creek Reservoir, Kansas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve a portion of a highway providing access to the project.

Section 17 of the House amendment would modify the project for flood control below Chatfield Dam on the South Platte River, Colorado, to authorize the Secretary of the Army to participate with non-Federal interests in the acquisition of lands and the development of recreational facilities immediately downstream of the Chatfield Dam in lieu of a portion of the authorized channel improvements.

Section 18 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee, all right, title, and interest of the United States in and to thirty eight acres of the Old Hickory Lock and Dam project.

Section 19 of the House amendment would modify the project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania (Tioga-Hammond Dam) to authorize the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries of Blossburg, Pennsylvania, such sums as he determines equitable to compensate the foundry for loss of rail transportation caused by the project. Not to exceed $1,100,000 would be authorized to be appropriated to carry out the section.

Section 20 of the House amendment would amend section 221 of the Flood Control Act of 1970 by advancing the date on which it becomes effective from January 1, 1972, to January 1, 1974.

Section 21 of the House amendment would increase the appropriation authorization for the project to resolve the seepage and drainage problems in the vicinity of Niobrara, Nebraska, authorized under section 213 of the Flood Control Act of 1970.

Section 22 of the House amendment would modify the project for flood protection on the Minnesota River at Mankato, Minnesota, to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate that portion of the existing Mankato interceptor sewer extending approximately two thousand feet upstream of the Warren Creek Pumping Station. The relocated sewer would be designed to serve present and future municipal needs.

Section 23 of the House amendment would authorize a general program of assistance to States in the planning for development, utilization, and conservation of water and related resources.

Section 24 of the House amendment would modify the project for flood protection on the Pequonnock River, Connecticut, to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumball, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the Saint Joseph's Manor Nursing Home. The advance, less the amount representing increased costs resulting from the construction out of the planned sequence, is to be repaid to the United States within ten years of the date of enactment of this section.

Section 25 of the House amendment would modify the project for flood protection on the Rahway River, New Jersey, to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

Section 26 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects prosecuted by the Department of the Army, and the reasons for such requirements, and to report thereon to the Congress not later than June 30, 1974, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

Section 27 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to study land use practices and recreational uses at water resource development projects under the jurisdiction of the Department of the Army, and to report thereon to the Congress not later than June 30, 1974, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

Section 28 of the House amendment would amend existing authority of the Secretary of the Army to undertake small projects for snagging and clearing for flood control in two respects. It would raise the limit for individual projects from $100,000 to $250,000 and the annual expenditure limit from $2,000,000 to $5,000,000.

Section 29 of the House amendment would increase the monetary limitations applicable to emergency bank protection works undertaken by the Corps of Engineers. The individual project amount would be raised from $50,000 to $250,000 and the annual expenditure limitation from $1,000,000 to $5,000,000.

Section 30 of the House amendment would provide for construction of a perimeter access road around Lake Texoma, Texas and Oklahoma.

Section 31 of the House amendment would modify the project for Kehoe Lake, Kentucky, to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire an area of about 4,000 acres and to maintain the area in its natural state, conduct environmental investigations, and provide access control facilities.

Section 32 of the House amendment would modify the project for enlargement of Lavon Reservoir, Texas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115.

Section 33 of the House amendment would make mandatory, rather than discretionary, a 70 per centum Federal share, exclusive of land costs, in the cost of beach erosion control projects under section 208 of the Flood Control Act of 1970 which also provide hurricane protection.

Section 34 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to provide bank protection works along the Ohio River from New Matamoras to Cincinnati, Ohio. Local interests would be required to furnish necessary lands, easements and rights of way, operate and maintain the works after completion, and hold and save the United States free from damages due to the construction works.

Section 35 of the House amendment would modify the project for the Scioto River, Ohio, to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir.

Section 36 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, authorized by the Flood Control Act of 1960. Not to exceed $10,000,000 would be authorized to be appropriated for such purpose.

Section 37 of the House amendment would modify the project for Newburg Lock and Dam, Indiana, to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection

work along the Ohio River at Newburgh, Indiana. Local interests would be required to furnish necessary lands, easements and rights of way, operate and maintain the works after completion, and hold and save the United States free from damages due to the construction works.

Section 38 of the House amendment would modify the project for flood control and improvement of the lower Mississippi River, to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi.

Section 39 of the House amendment would amend section 222 of the Flood Control Act of 1970 to authorize the construction of a two-lane, all-weather paved road extending from Old United States Highway 40, near Weimar, California, to the Eldorado County Road near Spanish Dry Diggings.

Section 40 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to review the requirements for local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, with particular reference to Federal and non-Federal cost sharing, and report his findings to Congress within one year after the date of enactment of this section.

Section 41 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to review the requirements of local cooperation for the project for Anaheim Bay, California, with particular reference to Federal and non-Federal cost sharing, and to report his findings to Congress within one year after the date of enactment of the section.

Section 42 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to undertake such emergency bank stabilization measures as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam on the Missouri River.

Appropriate local interests would furnish the usual items of local cooperation required of such projects—lands, easements and rights-of-way, operation and maintenance of the works after completion, and hold and save the United States free from damages due to the construction works.

Section 43 of the House amendment would modify the project for San Luis Obispo Harbor, California, to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the cash contribution of local interests required by the project.

The project as authorized requires that the cash be contributed in a lump sum prior to construction. The section would allow local interests to contribute their share as it is needed during construction of the project.

Section 44 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs would include consideration of the enhancement of regional

economic development, quality of the total environment, the well being of the people, and the national economic development. The report of the study would be submitted to Congress within two years after funds are made available to initiate the study. There would be authorized to be appropriated not to exceed $2,000,000 to carry out the section.

Section 45 of the House amendment would modify the project for flood control and other purposes in the Missouri River Basin to provide for emergency bank stabilization works in that reach of the Missouri River between Gavins Point Dam and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. The determination of necessity would be made in cooperation with the Governors of the States of South Dakota and Nebraska with regard to priority of locations to be protected and the nature of the protective works. Local interests would be required to give assurances satisfactory to the Secretary of the Army that they would furnish necessary lands, easements, and rights of way, operate and maintain the works after completion, and hold and save the United States free from damages due to the construction works. Not to exceed $5,000,000 would be authorized to carry out the section.

The section would also direct the Secretary of the Army, acting through the Chief of Engineers, to prepare and submit to the Congress a report recommending such additional bank stabilization measures as he deems necessary for construction below Gavins Point.

Section 46 of the House amendment would modify the project for Beaver Brook Dam and Reservoir, New Hampshire, to provide that the cash contribution required of local interests, as their share of the costs of lands, easements, rights of way, and relocations allocated to flood control, would be 13.9 per centum of the total project cost.

Section 47 of the House amendment would modify the Cave Run Lake Project, Kentucky, to provide that the construction of any proposed road to the Zilpo Recreation Area shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

Section 48 of the House amendment would declare a described portion of the Hudson River in New York County, State of New York, to be not a navigable water of the United States within the meaning of the laws of the United States, and would give the consent of Congress to the filling in of all of any part or the area or the erection of permanent pile supported structures in the area.

The area involved is the site of the proposed convention and exhibition facility to be erected by the New York City Convention and Exhibition Center Corporation.

Section 49 of the House amendment would authorize and direct the Secretary of the Army to grant to the Mountrail County Park Commission of Mountrail County, North Dakota, a lease carrying certain described tracts of land at the Garrison Dam and Reservoir project on the Missouri River. The lands are to be used by the Commission solely for public park and recreational purposes.

Section 50 of the House amendment would amend section 252 of the Disaster Relief Act of 1971 to provide that the costs of replacing certain community services, for which the Act provides assistance, include those costs incurred in obtaining substitute services during the

period of repair, restoration, reconstruction, or replacement of facilities to the extent such costs exceed the cost which would have been incurred in providing such services but for the disaster.

Section 51 of the House amendment would direct that no change be made in the existing standards used for the formulation and evaluation of Federal water and related land resource projects pursuant to Section 103 of the Resources Planning Act until December 31, 1973, unless changed prior to that date by an Act of Congress. This will allow sufficient time for the hearings to be held and legislation, if necessary, developed.

Section 52 of the House amendment would provide that the Act may be cited as the "Flood Control Act of 1972."

PROVISIONS OF THE CONFERENCE SUBSTITUTE

The first paragraph of the first section of the conference substitute (relating to sections 201, 202, and 203 of the Flood Control Act of 1968) is the same as the first paragraph of section 201 of the Senate bill and the first paragraph of the first section of the House amendment.

The paragraph of the first section, headed "Middle Atlantic Coastal Area", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph of the first section, headed "James River Basin", is the same as the similarly headed paragraph in section 201 of the Senate bill.

The paragraph of the first section, headed "Salt River Basin", is basically the same as the similarly headed paragraph in section of 201 the Senate bill.

The paragraph of the first section, headed "Water Resources in Appalachia", is the same as the similarly headed paragraph in the first section of the House amendment with the following changes:

(1) The project for Royal Glen Reservoir is not authorized, and

(2) The authorization level is set at not to exceed $50,000,000 for initiation and partial accomplishment. This represents a reduction of $29,908,000 from the amount authorized for these projects in the Senate bill.

On numerous occasions the Committees on Public Works of the Senate and House of Representatives have expressed concern with the long delays which have occurred in completing the comprehensive report for water resources development in Appalachia.

Section 206 of the Appalachian Regional Development Act of 1965 called upon the Secretary of the Army to prepare a comprehensive report for water resources development in Appalachia, to be transmitted by the President with recommendations to the Congress by December 31, 1968. While the Committees had previously been advised that there would be a one-year delay in the completion of this report, almost three additional years have gone by and still there is no indication that the report will be available for consideration by Congress in the near future.

The Conferees recognize that the report presents issues of new policy and revised procedures, which require careful consideration within the Administration, but believe that adequate time has been available to reach decisions. This report has not yet been transmitted

to the Congress; yet, the need is even more urgent than in 1965 for initiating water resource development in this economically distressed region.

The Conference Report therefore includes the authorization of the plan as recommended by the Secretary of the Army, and authorizes $50,000,000 for its initiation.

The Secretary's report includes eleven specific recommendations. With the exception of the project for Royal Glen Reservoir, South Branch, West Virginia, and a minor modification of his recommendations for Whiteoak Reservoir, Whiteoak Creek, Ohio, all eleven recommendations have been accepted.

The Conferees expect that the Secretary of the Army, acting through the Chief of Engineers, will as soon as possible begin the following projects: Hipes Reservoir, Virginia, Tamaqua Local Flood Protection Project, Pennsylvania; Clinchfield Reservoir, North and South Carolina; Roaring River Reservoir, North Carolina; Dalton Creek, Georgia; Whiteoak Reservoir, Ohio; Midland local protection project, Kentucky, and Royalton Reservoir—Salyersville Area, Kentucky, and Ohio.

It is noted that the project for flood protection at Tamaque is a small project and urgently needed as illustrated by the damages caused by Hurricane Agnes. Accordingly, the Conferees expect that this project would be completed as soon as possible.

Section 224 of the Flood Control Act of 1970, conditionally authorized an innovative flood damage reduction program, consisting of residential flood-proofing and complementary local protection projects for the town of Williamson and Matewan, West Virginia. The Conferees intend by authorizing the Secretary of the Army's plan, and more specifically recommendation Number 9 of the plan, that the approvals required by section 224 would no longer be necessary. The Conferees further concur in the Secretary's recommendation that he be authorized to design a similar program for the entire Tug Fork Valley, including the area in Kentucky. This work should begin immediately.

As in the case of Tug Fork, the conferees intend that the conditions for authorization of the Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, as they appear in section 12 of Public Law 92-222 are no longer applicable as that authorization has been superseded by the authorization of the plan for water resources in Appalachia in the Conference Report.

The paragraph of the first section, headed "Pascagoula River Basin", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph of the first section, headed "Pearl River Basin", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph of the first section, headed "Gulf Coastal Area", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph of the first section, headed "Spring River Basin", is the same as the similarly headed paragraph in section 201 of the

Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph in the first section of the conference substitute, headed "Grand River Basin", modifies the presently authorized Pattonsburg Lake project to require the Chief of Engineers to immediately proceed with engineering and design.

The paragraph of the first section, headed "Umpqua River Basin", is the same as the similarly headed paragraph in the first section of the House amendment authorized however at $40,000,000. The conferees intend that the recommendations of the Chief of Engineers in House Document Numbered 92–371 include those in his letters dated September 15, 1972 and October 2, 1972, both of which are printed in such House Document.

The first paragraph in the material headed "Lower Mississippi River" in the first section is the same as the first paragraph in the similarly headed material in the Senate in section 201 of the Senate bill and the first paragraph of the similarly headed material in the first section in the House amendment.

The second paragraph in the material headed "Lower Mississippi River", is the same as the second paragraph in the similarly headed material in section 201 of the Senate bill.

The Senate bill included projects for Verona Dam and Lake, Virginia, and Sixes Bridge Dam and Lake, Maryland. The projects as recommended by the Chief of Engineers included substantial benefits for low flow augmentation for water quality. In the case of Sixes Bridge almost 60% of the annual benefits were for this purpose. At Verona approximately 80% of the annual benefits of the project were for the same purpose.

In the recently passed Federal Water Pollution Control Act Amendments of 1972 (S. 2770), the concept of "pollution by dilution" was banned as an alternative to waste treatment for pollution from point sources. The 1972 Amendments provide that the Administrator of the Environmental Protection Agency, and not the Chief of Engineers, has the authority to determine when low flow augmentation is an appropriate technique for supplementary pollution control programs.

However, based on information available to the Conferees, it is clear that the projects can be justified for purposes other than low flow augmentation for water quality. For example water supply needs might justify the projects. Accordingly, the Conferees direct the Secretary of the Army, acting through the Chief of Engineers, to reformulate the Sixes Bridge and Verona projects, and resubmit them to Congress as soon as possible but in no event later than June 30, 1973.

The House amendment included a project for Highland Lake Dam and Reservoir, Fall Creek Basin, Indiana. The major purpose of this project is to assure adequate water supply for the City of Indianapolis. The project report was received too late for adequate hearings by either body. Accordingly, the Conference report does not include the project.

The Conferees anticipate that the Public Works Committee of the Senate and the House of Representatives would hold hearings on the Potomac River projects and the Highland Lake project early in the 93rd Congress so that appropriate action can be taken.

The Senate bill included several projects, each having as estimated Federal cost of less than $10 million. These projects qualify for

authorization by committee action under the provisions of section 201 of the Flood Control Act of 1965. The Committees have these projects under active consideration for authorization under section 201, and the projects are, therefore, not included within the conference report.

Section 2 of the conference substitute is the same as section 2 of the House amendment.

Section 3 of the conference substitute is the same as section 3 of the House amendment.

Section 4 of the conference substitute is the same as section 4 of the House amendment.

Section 5 of the conference substitute is the same as section 5 of the House amendment.

Section 6 of the conference substitute is the same as section 6 of the House amendment and essentially the same as section 102 of the Senate bill.

Section 7 of the conference substitute is the same as section 108 of the Senate bill and section 7 of the House amendment.

Section 8 of the conference substitute is the same as section 8 of the House amendment.

Section 9 of the conference substitute is the same as section 9 of the House amendment.

The Conferees intend that the study of the Buffalo River Basin, New York shall include, as a part of the waste water management study, a determination of the necessary measures for cleaning, snagging, and removal of debris from the river's bed and banks and the advisability of dredging and structural works to improve stream flow and water quality. The Conferees also intend that consideration be given in the study to various methods of bank stabilization.

Section 10 of the conference substitute is the same as section 10 of the House amendment.

Section 11 of the conference substitute is the same as section 11 of the House amendment.

Section 12 of the conference substitute is the same as section 12 of the House amendment.

The Conferees stress that this section is for interim protection and remedial type action only and is not intended to adversely affect any further alternatives to the Sandridge Dam.

Section 13 of the conference substitute is the same as section 13 of the House amendment.

Section 14 of the conference substitute is the same as section 14 of the House amendment and essentially the same as section 202 of the Senate bill, except that the Senate bill does not provide for transfer of title and future maintenance of the bridge to local interests.

Section 15 of the conference substitute is the same as section 15 of the House amendment.

Section 16 of the conference substitute is the same as section 16 of the House amendment.

Section 17 of the conference substitute is the same as section 203 of the Senate bill and section 17 of the House amendment.

Section 18 of the conference substitute is the same as section 18 of the House amendment, except that the reference to disadvantaged children has been deleted in subsection (c).

Section 19 of the conference substitute is the same as section 19 of the House amendment and essentially the same as section 227 of the

Senate bill, except that the Senate bill does not provide for the payments to be made in five annual installments.

Section 20 of the conference substitute is the same as section 209 of the Senate bill and section 20 of the House amendment.

Section 21 of the conference substitute is the same as section 208 of the Senate bill and section 21 of the House amendment.

Section 22 of the conference substitute is the same as section 22 of the House amendment.

Section 23 of the conference substitute is the same as section 23 of the House amendment.

Section 24 of the conference substitute is the same as section 207 of the Senate bill and section 24 of the House amendment.

Section 25 of the conference substitute is the same as section 25 of the House amendment.

Section 26 of the conference substitute is the same as section 26 of the House amendment.

Section 27 of the conference substitute is the same as section 27 of the House amendment.

Section 28 of the conference substitute is the same as section 205 of the Senate bill and section 28 of the House amendment.

Section 29 of the conference substitute is the same as section 206 of the Senate bill and section 29 of the House amendment.

Section 30 of the conference substitute is the same as section 30 of the House amendment.

Section 31 of the conference substitute is the same as section 31 of the House amendment.

Section 32 of the conference substitute is the same as section 32 of the House amendment.

Section 33 of the conference substitute is the same as section 226 of the Senate bill and Section 33 of the House amendment.

The conferees intend that where substantial protection of public property will result in incidental works on private property, the Federal share of such incidental work will be 70 percent in accordance with the provisions of this section.

Section 34(a) of the conference substitute is the same as section 34 of the House amendment.

Section 34(b) of the conference substitute is the same as section 105(a) of the Senate bill.

Section 34(c) of the conference substitute is the same as section 105(b) of the Senate bill and section 34 of the House amendment.

Section 35 of the conference substitute is the same as section 35 of the House amendment.

Section 36 of the conference substitute is the same as section 36 of the House amendment.

Section 37 of the conference substitute is the same as section 37 of the House amendment.

Section 38 of the conference substitute is the same as section 38 of the House amendment.

Section 39 of the conference substitute is the same as section 39 of the House amendment.

Section 40 of the conference substitute is the same as section 40 of the House amendment.

Section 41 of the conference substitute is the same as section 41 of the House amendment.

Section 42 of the conference substitute is the same as section 211 of the Senate bill and section 42 of the House amendment.

Section 43 of the conference substitute is the same as section 43 of the House amendment.

Section 44 of the conference substitute is the same as section 44 of the House amendment.

Section 45 of the conference substitute is the same as section 45 of the House amendment.

Section 46 of the conference substitute is the same as section 46 of the House amendment.

Section 47 of the conference substitute is the same as section 228 of the Senate bill and section 47 of the House amendment.

Section 48 of the conference substitute is the same as sections 107 of the Senate bill and 48 of the House amendment, except for technical amendments respecting the description of land involved and the requirement of a finding of public interest.

Section 49 of the conference substitute is the same as sections 204 of the Senate bill and 49 of the House amendment, except that the House provision would have granted a lease rather than fee title with reverter.

Section 50 of the conference substitute is the same as section 50 of the House amendment.

Section 51 of the conference substitute is the same as section 212 of the Senate bill.

Section 52 of the conference substitute is the same as section 210 of the Senate bill.

Although three name change provisions have been included in the Conference Report, the Conferees do not intend this to constitute a precedent for additional name change provisions in future River and Harbor and Flood Control Acts. It is the policy of the Committees on Public Works of the House of Representatives and the Senate that name changes of water resource development projects ought to be done by separate legislation. However, because of the impracticability of passing such individual bills before adjournment of this Congress, the Conference Report recognizes the contributions of several deceased legislators.

Section 53 of the conference substitute is the same as section 213 of the Senate bill.

The Conferees intend that the Secretary of the Army in amending the contract between the city and the United States should require in the first year an initial payment of not less than 10 per centum of the total amount which would otherwise have had to have been paid in such year, with increasing amounts thereafter payable as the Secretary, acting through the Chief of Engineers, determines to be fair and reasonable taking all factors into consideration, until such total amount shall have been paid.

Section 54 of the conference substitute is the same as section 214 of the Senate bill.

Section 55 of the conference substitute is the same as section 215 of the Senate bill.

Section 56 of the conference substitute is the same as section 216 of the Senate bill, except that the maintenance provision is deleted and the authorization is limited to $2,000,000.

Section 57 of the conference substitute is the same as section 217 of the Senate bill.

Section 58 of the conference substitute is the same as section 218 of the Senate bill.

Section 59 of the conference substitute is the same as section 219 of the Senate bill.

Section 60 of the conference substitute is the same as section 220 of the Senate bill.

Section 61 of the conference substitute is the same as section 221 of the Senate bill.

Section 62 of the conference substitute is the same as section 229 of the Senate bill.

Section 63 of the conference substitute is the same as the second paragraph in the material headed "Beach Erosion" in section 101 of the Senate bill.

Section 64 of the conference substitute is the same as section 103 of the Senate bill, except that the advisory panel in subsection (d) is established by the Chief of Engineers.

Section 65 of the conference substitute is the same as section 104 of the Senate bill.

Section 66 of the conference substitute is the same as section 106 of the Senate bill.

Section 67 of the conference substitute is the same as section 110 of the Senate bill.

Section 68 of the conference substitute is the same as the paragraph headed "Pocatalico River Basin" in section 201 of the Senate bill.

Section 69 of the conference substitute is the same as section 222 of the Senate bill.

Section 70 of the conference substitute replaces section 221 of Senate bill and provides small flood protection project authority to the Chief of Engineers for works to protect areas declared to be major disaster areas during the preceding five-year period with a limitation of not more than $2,000,000 for any single locality. Authorization is for $25,000,000.

Section 71 of the conference substitute is the same as section 224 of the Senate bill.

Section 72 of the conference substitute is the same as subsection (a) of section 51 of the House amendment.

The deletion of subsection (b) of the House amendment was because it was considered duplicative of subsection (a). Section 72 will assure that Congress will have sufficient time to review water resources standards now being considered by the Water Resource Council.

Section 73 is the same as section 52 of the House amendment.

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WM. J. BRYAN DORN,
DAVID N. HENDERSON,
DON H. CLAUSEN,
GENE SNYDER,
Managers on the part of the House.

B. EVERETT JORDAN,
LLOYD BENTSEN,
ELAINE S. EDWARDS,
ROBERT DOLE,
JOHN SHERMAN COOPER,
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