[PUBLIC—NO. 685—75TH CONGRESS]

[CHAPTER 535—3D SESSION]

[H. R. 10298]

AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized, to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans recommended in the respective reports hereinafter designated and subject to the conditions set forth in such documents; and that hereafter Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by Act of Congress, which said investigations and improvements shall include a due regard for wildlife conservation:

Mystic River, Massachusetts; House Document Numbered 542, Seventy-fifth Congress;

Scituate Harbor, Massachusetts; House Document Numbered 556, Seventy-fifth Congress;

Westport River, Massachusetts; House Document Numbered 692, Seventy-fifth Congress;

Plymouth Harbor, Massachusetts; House Document Numbered 577, Seventy-fifth Congress;

Flushing Bay and Creek, New York; Senate Committee on Commerce Document, Seventy-fifth Congress;

Huntington Harbor, New York; House Document Numbered 638, Seventy-fifth Congress;

Hudson River, New York; House Document Numbered 572, Seventy-fifth Congress;

Great Kills Harbor, Staten Island, New York; House Document Numbered 559, Seventy-fifth Congress;

Delaware River from Allegheny Avenue, Philadelphia, Pennsylvania, to the sea; Senate Document Numbered 159, Seventy-fifth Congress;

Mantua Creek, New Jersey; House Document Numbered 505, Seventy-fifth Congress;

Annapolis Harbor, Maryland; Rivers and Harbors Committee Document Numbered 48, Seventy-fifth Congress;

Channel connecting Plain Dealing Creek and Oak Creek, Maryland; House Document Numbered 413, Seventy-fifth Congress;

Twitch Cove and Big Thoroughfare River, Maryland; Rivers and Harbors Committee Document Numbered 49, Seventy-fifth Congress;

Herring Bay and Rockhold Creek, Maryland; House Document Numbered 595, Seventy-fifth Congress;

Cape Charles City Harbor, Virginia; House Document Numbered 580, Seventy-fifth Congress;

Roanoke River, North Carolina; House Document Numbered 694, Seventy-fifth Congress;

New River Inlet, North Carolina; House Document Numbered 691, Seventy-fifth Congress;

Drum Inlet, North Carolina; House Document Numbered 414, Seventy-fifth Congress;

Belhaven Harbor, North Carolina; House Document Numbered 693, Seventy-fifth Congress;

Intracoastal Waterway from Cape Fear River, North Carolina, to Winyah Bay, South Carolina; House Document Numbered 549, Seventy-fifth Congress;

Waterway between Beaufort, South Carolina, and Saint Johns River, Florida; House Document Numbered 618, Seventy-fifth Congress;

Terry Creek and Back River, Georgia; House Document Numbered 690, Seventy-fifth Congress;

Fernandina Harbor, Florida; House Document Numbered 548, Seventy-fifth Congress;

Saint Augustine Harbor, Florida; House Document Numbered 555, Seventy-fifth Congress;

Courtenay Channel, Florida; House Document Numbered 504, Seventy-fifth Congress;

Eau Gallie Harbor, Florida; House Document Numbered 497, Seventy-fifth Congress;

Port Everglades, Florida; House Document Numbered 545, Seventy-fifth Congress;

Channel from Naples, Florida, to Big Marco Pass; House Document Numbered 596, Seventy-fifth Congress;

Tampa Harbor, Florida; Senate Document Numbered 164, Seventy-fifth Congress;

Palm Beach, Florida; Side channel and basin in accordance with report on file in the office of the Chief of Engineers;

Tampa and Hillsboro Bays, Florida; Senate Commerce Committee Document, Seventy-fifth Congress;

Apalachicola River, Florida; House Document Numbered 575, Seventy-fifth Congress;

Biloxi Harbor, Mississippi; House Document Numbered 639, Seventy-fifth Congress;

Mississippi River between Baton Rouge and New Orleans, Louisiana; House Document Numbered 597, Seventy-fifth Congress;

Grand Bayou Pass, Louisiana; Senate Document Numbered 166, Seventy-fifth Congress;

Sabine-Neches Waterway, Texas; House Document Numbered 581, Seventy-fifth Congress;

Buffalo Bayou and its tributaries, Texas; House Document Numbered 456, Seventy-fifth Congress;

Dickinson Bayou, Texas; House Document Numbered 568, Seventy-fifth Congress;

Louisiana-Texas Intracoastal Waterway; House Documents Numbered 564, 640, 641, 642, and 643, Seventy-fifth Congress;

Port Aransas-Corpus Christi Waterway, Texas; House Document Numbered 574, Seventy-fifth Congress;

Charlevoix Harbor, Michigan; Senate Document Numbered 163, Seventy-fifth Congress;

Saginaw River, Michigan; House Document Numbered 576, Seventy-fifth Congress;

Richmond Harbor, California; House Document Numbered 598, Seventy-fifth Congress;

Bodega Bay, California; House Document Numbered 619, Seventy-fifth Congress;

San Pablo Bay and Mare Island Strait, California; House Document Numbered 644, Seventy-fifth Congress;

Umpqua River, Oregon; Senate Document Numbered 158, Seventy-fifth Congress;

Columbia River, between Chinook, Washington, and the head of Sand Island; Rivers and Harbors Committee Document Numbered 50, Seventy-fifth Congress;

Neah Bay, Washington; Rivers and Harbors Committee Document Numbered 51, Seventy-fifth Congress;

Everett Harbor, Washington; House Document Numbered 546, Seventy-fifth Congress;

Iliuliuk Harbor, Alaska; House Document Numbered 543, Seventy-fifth Congress;

Skagway Harbor, Alaska; House Document Numbered 547, Seventy-fifth Congress;

Valdez Harbor, Alaska; House Document Numbered 415, Seventy-fifth Congress.

SEC. 2. That in any case in which it may be necessary or advisable in the execution of an authorized work of river and harbor improvement to exchange land or other property of the Government for private lands or property required for such project, the Secretary of War may, upon the recommendation of the Chief of Engineers, authorize such exchange upon terms and conditions deemed appropriate by him, and any conveyance of Government land or interests therein necessary to effect such exchange may be executed by the Secretary of War: *Provided further*, That the authority hereby granted to the Secretary of War shall not extend to or include lands held or acquired by the Tennessee Valley Authority pursuant to the terms of the Tennessee Valley Authority Act. This section shall apply to any exchanges heretofore deemed advisable in connection with the construction of the Bonneville Dam in the Columbia River.

SEC. 3. To provide suitable office quarters for the district engineer in charge of maintenance and operation of the Washington Aqueduct and of river and harbor improvements in the Washington District the Secretary of War is authorized to alter and remodel the pumping station building at McMillan Park in accordance with plans approved by the Chief of Engineers, the cost of such alteration and remodeling to be paid from appropriations heretofore or hereafter made by Congress for maintenance and improvement of existing river and harbor works.

SEC. 4. That any amounts collected from any person, persons, or corporations as a reimbursement for lost, stolen, or damaged property, purchased in connection with river and harbor or flood control work prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers, whether collected in cash or by deduction from amounts otherwise due such person, persons, or corporations, hereafter shall be credited in each case to the appropriation that bore the cost of purchase, repair, or replacement of the lost, stolen, or damaged property.

SEC. 5. That the provisions of section 204 of part II of the Legislative Appropriation Act, fiscal year 1933, shall not be so construed as to prevent the employment by the Chief of Engineers under agreement as authorized by section 6 of the River and Harbor Act of July 3, 1930, of any retired civilian employee whose expert assistance may be needed in connection with the prosecution of river and harbor or flood control works: *Provided*, That during the period of such employment a sum equal to the retired pay of the employee shall be deducted from the compensation agreed upon.

SEC. 6. That the conditions of local cooperation applicable to the improvement of the Illinois Waterway (Calumet-Sag route) printed in House Document 180, Seventy-third Congress, second session, are hereby modified by eliminating therefrom the requirement that local interests will furnish "evidence satisfactory to the Secretary of War that the twenty movable bridges across the Sanitary Canal will be placed in operating condition or otherwise satisfactorily altered": *Provided*, That local interests will install operating machinery and place in operating condition the three drawbridges across the Chicago Sanitary and Ship Canal between its junction with the Calumet-Sag Channel and Lockport when directed by the Secretary of War: *Provided further*, That this resolution shall not be construed as modifying the provisions of section 18 of the River and Harbor Act of March 3, 1899 (30 Stat. 1153).

SEC. 7. That section 14 of Public Law Numbered 585, Sixty-eighth Congress, approved March 3, 1925, is hereby amended by striking out the word "Locust" and inserting in lieu thereof the word "Sipsey", so that said section 14, as amended, will read as follows:

"SEC. 14. That the portion of Black Warrior River between Dam Numbered 17 and the junction of Sipsey and Mulberry Forks, in the State of Alabama, shall hereafter be known as 'Lake Bankhead.'"

SEC. 8. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior Act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless authorized by law: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this Act until the project for the proposed work shall have been adopted by law:

South side of the channel, South Harpswell, Maine.

Merrimack River, Massachusetts and New Hampshire, with a view to improvement for navigation, flood control, and water power.

Manchester Harbor, Massachusetts, with a view to constructing a breakwater between Magnolia Point and Kettle Island.

Menemsha Creek, Marthas Vineyard, Massachusetts.

Pond Village Landing, Truro, Massachusetts.

Marblehead Harbor, Massachusetts.

Salem Harbor, Massachusetts.

Niantic Harbor and River, Connecticut.

Catskill Creek, New York.

Jamaica Bay, New York.

Bay Shore Harbor, New York.

Beach Haven Inlet, New Jersey.

Cedar Creek, Ocean County, New Jersey.

West bank of the Delaware River, between New Castle and Delaware City, Delaware, with a view to protection from damage by overflows.

Indian River, Delaware.

Baltimore Harbor and Channels, Maryland: Cut-off channel to Inland Waterway from Delaware River to Chesapeake Bay.

Herring Creek, Saint Marys County, Maryland.

Macum Creek, at the mouth of the Chester River, Queen Annes County, Maryland.

Oyster Creek, Anne Arundel County, Maryland.

Cadle Creek, Anne Arundel County, Maryland.

South Creek and West River, Anne Arundel County, Maryland.

Broad Creek, Middlesex County, Virginia.

Scott's Creek, Virginia.

Waterway from Chesapeake Bay, through Accomac County, Virginia, to the Atlantic Ocean.

Channel from Manteo, via Broad Creek, to Oregon Inlet, North Carolina.

Channel from Pamlico Sound to Avon, North Carolina.

Channel from the Intracoastal Waterway to, and turning basin at, Cocoa, Florida.

Channel from the Intracoastal Waterway to, and turning basin at, Holly Hill, Florida.

Little Manatee River and inlets, Florida, and channel to navigable waters in Tampa Bay.

Intracoastal Waterway from Jacksonville, Florida, to Miami, Florida.

Allapatchee River (Alligator Creek), Florida.

Pithlachascotee River, Florida.

Bayou Grande, Florida.

New Pass, Florida, connecting Sarasota Bay with the Gulf of Mexico.

Waterway from Punta Rasa, Florida, by way of the Caloosahatchee River and Canal, Lake Okeechobee, and Saint Lucie Canal and River, to Fort Pierce;

Watson Bayou, Panama City, Florida, from deep water in Saint Andrews Bay to the head of navigation.

Tombigbee River, Alabama, from vicinity of Jackson Landing south, and between Lock and Dam Numbered 1 and Sunflower Bend.

Cadet Bayou, in the vicinity of Waveland, Hancock County, Mississippi.

Watts Bayou, Hancock County, Mississippi.

Chunky Creek, Chickasawhay River, and Pascagoula River, Mississippi, with a view to their improvement in the interest of navigation, flood control, and water power.

Teche-Vermillion waterway, Louisiana, with a view to improvement in the interest of navigation, flood control, and other water uses.

L'Ea Bleu Bayou, Louisiana.

Isle de Cane Bayou, Louisiana.

Kinney Coulee, Louisiana.

Portage Bayou and Delcambre Canal, Louisiana.

Indian Bayou, Louisiana.

Violet Canal Route, Louisiana.

Waterway from Welsh, Louisiana, to the Intracoastal Waterway, by way of Bayou Lacassine; also with a view to the acquisition of the Welsh Waterway.

Chefuncte River and Bogue Falia, Louisiana, from Lake Pontchartrain to Covington.

Survey of channel for the purposes of navigation, flood control, power, and irrigation from Jefferson, Texas, to Shreveport, Louisiana, by way of Jefferson-Shreveport Waterway, thence by way of Red River to mouth of Red River in the Mississippi River, including advisability of water-supply reservoirs in Cypress River and Black Cypress River above head of navigation.

Sulphur River, Texas and Arkansas, with the view to improvement for navigation, flood control, and water power.

San Antonio River, Texas, with a view to its improvement for navigation, flood control, power, and for the prevention of erosion.

Des Moines River, Iowa; also with particular reference to the construction of a dam at or near Madrid.

Allegheny River, Pennsylvania.

Grand Marais Harbor, Minnesota.

Duck Creek, Brown County, Wisconsin.

Kawkawlin River, Michigan, with a view to dredging the outlet, with a view to its improvement in the interests of navigation and flood control.

Saint Ignace Harbor, Michigan.

Harbor Springs Harbor, Michigan.

Yacht Basin and Harbor at Menominee, Michigan.

Collinsville Cut, Solano County, California.

Tillamook Bay, Oregon, with a view to protection of Bay Ocean, and property thereon, from erosion and storms.

Salmon River, Oregon.

North slough and vicinity, Coos County, Oregon, with a view to the construction of a dam and dike to prevent the flow of tidal waters into said North slough.

Columbia River at The Dalles, Oregon, with particular reference to the improvement of Hungry Harbor.

Umpqua River, Oregon, with a view to determining the advisability of providing for navigation, in connection with power development, control of floods, and the needs of irrigation.

Bay Center Channel, Willapa Harbor, Washington, extending from Palix River to Bay Center Dock.

SEC. 9. That the times for commencing and completing the construction of a dam and dike for preventing the flow of tidal waters into North slough in Coos County, Oregon, in township 24 south, range 13 west, Willamette meridian, authorized to be constructed by the State of Oregon, acting through its highway department, the North Slough Drainage District, and the North Slough Diking District by an Act of Congress approved August 26, 1937, is extended one and three years, respectively, from August 26, 1938. The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 10. That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant easements for rights-of-way for public roads and streets on and across lands acquired by the United States for river and harbor and flood control improvements including, whenever necessary, the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of a bridge structure: *Provided*, That such rights-of-way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further*, That all or any part of such rights-of-way may be annulled and forfeited by the Secretary of War for failure to comply with the terms or conditions of any grant hereunder or for nonuse or for abandonment of rights granted under the authority hereof: *Provided further*, That the authority hereby granted to the Secretary of War shall not extend to or include lands held or acquired by the Tennessee Valley Authority pursuant to the terms of the Tennessee Valley Authority Act.

SEC. 11. That the laws of the United States relating to the improvement of rivers and harbors, passed between March 4, 1913, until and including the laws of the third session of the Seventy-fifth Congress, shall be compiled under the direction of the Secretary of War and printed as a document, and that six hundred additional copies shall be printed for the use of the War Department.

SEC. 12. That the Secretary of War is hereby authorized to continue the gathering of hydrological data, concerning the proposed Nicaragua Canal, by personnel operating continuously in Nicaragua under the supervision of the Chief of Engineers, as recommended in House Document Numbered 139, 72nd Congress, 1st Session; the cost of this work, and such incidental expenses as may be necessary in connection therewith, to be paid from appropriations hereafter made for examinations, surveys and contingencies of Rivers and Harbors.

Approved, June 20, 1938.