

Public Law 86-645
86th Congress, H. R. 7634
July 14, 1960

AN ACT

74 STAT. 480.

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

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

TITLE I—RIVERS AND HARBORS

River and
Harbor Act
of 1960.

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of 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: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

59 Stat. 10.

NAVIGATION

Eastport Harbor, Maine: Senate Document Numbered 98, Eighty-sixth Congress, at an estimated cost of \$595,000; Maine.
Southwest Harbor, Maine: House Document Numbered 408, Eighty-fifth Congress, at an estimated cost of \$240,000;
Stonington Harbor, Maine: House Document Numbered 36, Eighty-sixth Congress, at an estimated cost of \$198,000;
South Bristol Harbor, Maine: Senate Document Numbered 30, Eighty-sixth Congress, at an estimated cost of \$97,000;
Wells Harbor, Maine: House Document Numbered 202, Eighty-sixth Congress, at an estimated cost of \$340,000;
York Harbor, Maine: House Document Numbered 395, Eighty-sixth Congress, at an estimated cost of \$391,000;
Pepperell Cove, Maine: House Document Numbered 284, Eighty-sixth Congress, at an estimated cost of \$170,000;
Rye Harbor, New Hampshire: House Document Numbered 439, Eighty-sixth Congress, at an estimated cost of \$238,000; New Hampshire.
Cotuit Harbor, Massachusetts: House Document Numbered 142, Eighty-sixth Congress, at an estimated cost of \$320,000; Massachusetts.
Apponaug Cove, Rhode Island: House Document Numbered 143, Eighty-sixth Congress, at an estimated cost of \$180,000; Rhode Island and Connecticut.
Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut: House Document Numbered 396, Eighty-sixth Congress, at an estimated cost of \$98,000;
Moriches and Shinecock Inlets, New York: House Document Numbered 126, Eighty-sixth Congress, at an estimated cost of \$6,858,000; New York.
Mamaroneck Harbor (East Basin), New York: House Document Numbered 209, Eighty-sixth Congress, at an estimated cost of \$105,000;
Wilmington Harbor, Delaware: Senate Document Numbered 88, Eighty-sixth Congress, at an estimated cost of \$351,000; Delaware.
Ocracoke Inlet, North Carolina: House Document Numbered 408, Eighty-sixth Congress, at an estimated cost of \$4,623,000; North Carolina.

South Carolina. Shem Creek, Charleston Harbor, South Carolina: House Document Numbered 35, Eighty-six Congress, maintenance;

Florida. Everglades Harbor, Florida: House Document Numbered 147, Eighty-sixth Congress, at an estimated cost of \$117,200;
Gulf Coast Shrimp Boat Harbors, Florida: House Document Numbered 183, Eighty-sixth Congress, at an estimated cost of \$373,000;
Bakers Haulover Inlet, Florida: House Document Numbered 189, Eighty-sixth Congress, at an estimated cost of \$239,000;
Palm Beach Harbor, Lake Worth Inlet, Florida: House Document Numbered 283, Eighty-sixth Congress, at an estimated cost of \$4,980,000;
Miami Harbor, Florida: Senate Document Numbered 71, Eighty-fifth Congress, at an estimated cost of \$3,818,000;
Little Pass, Clearwater Bay, Florida: House Document Numbered 293, Eighty-sixth Congress, at an estimated cost of \$104,000;
St. Marks River, Florida: House Document Numbered 224, Eighty-sixth Congress, at an estimated cost of \$1,711,000;

Alabama. Black Warrior, Warrior, and Tombigbee Rivers, Alabama, at Jackson lock and dam: House Document Numbered 50, Eighty-sixth Congress, at an estimated cost of \$120,000;

Mississippi. Pascagoula Harbor, Mississippi: House Document Numbered 98, Eighty-sixth Congress, maintenance;
Pascagoula Harbor, Mississippi: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project authorized by the River and Harbor Act of 1954 (Public Law 790, Eighty-third Congress), House Document Numbered 98, Eighty-sixth Congress, to determine if further modification is warranted, and further modification of the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress.

68 Stat. 1248, 1251. Biloxi Harbor, Mississippi: House Document Numbered 271, Eighty-sixth Congress, at an estimated cost of \$326,000;

Louisiana. Bayou Lafourche and Lafourche—Jump Waterway, Louisiana: House Document Numbered 112, Eighty-sixth Congress, at an estimated cost of \$4,664,000;
Bayous Petit Anse, Tigre, and Carlin, Louisiana: Senate Document Numbered 70, Eighty-fifth Congress, at an estimated cost of \$106,000;
Freshwater Bayou, Louisiana: House Document Numbered 435, Eighty-sixth Congress, at an estimated cost of \$7,485,000;
Calcasieu River and Pass, Louisiana: House Document Numbered 436, Eighty-sixth Congress, at an estimated cost of \$16,992,000;

Texas. Texas City Channel, Texas: House Document Numbered 427, Eighty-sixth Congress, at an estimated cost of \$1,605,000;
Brazos Island Harbor, Texas: House Document Numbered 428, Eighty-sixth Congress, at an estimated cost of \$4,381,000;

Arkansas and Louisiana. Ouachita and Black Rivers, Arkansas and Louisiana: Senate Document Numbered 112, Eighty-sixth Congress, in lieu of the navigation project authorized by the River and Harbor Act of 1950, Public Law 516, Eighty-first Congress, Senate Document Numbered 117, Eighty-first Congress, at an estimated cost of \$43,550,000;

64 Stat. 165.

In addition to previous authorizations, there is hereby authorized the completion of the Barkley Dam project in Kentucky, authorized by the River and Harbor Act of 1954, at an estimated additional cost of \$146,000,000: *Provided*, That the Chief of Engineers is hereby authorized to relocate the Illinois Central Railroad, as required by the construction of said project, in such manner as to eliminate and prevent interference with and disturbance of municipal and private facilities in Lyon County, Kentucky, not otherwise affected by the construction of the project, substantially in accordance with alinement "D" shown on the plans on file in the Office of the Chief of Engineers;

Mississippi River between Missouri River and Minneapolis, Minnesota at Dubuque, Iowa: House Document Numbered 56, Eighty-sixth Congress, at an estimated cost of \$38,000; Kentucky. 68 Stat. 1248.

Red Wing Harbor, Minnesota: House Document Numbered 32, Eighty-sixth Congress, at an estimated cost of \$170,400; Minnesota.

Menominee Harbor and River, Michigan and Wisconsin: House Document Numbered 113, Eighty-sixth Congress, at an estimated cost of \$715,000; Michigan and Wisconsin.

Milwaukee Harbor, Wisconsin: House Document Numbered 285, Eighty-sixth Congress, at an estimated cost of \$38,000;

Kewaunee Harbor, Wisconsin: Senate Document Numbered 19, Eighty-sixth Congress, at an estimated cost of \$81,900;

Two Harbors, Minnesota: House Document Numbered 146, Eighty-sixth Congress, at an estimated cost of \$162,000; Minnesota and Wisconsin.

Duluth-Superior Harbor, Minnesota and Wisconsin: House Document Numbered 150, Eighty-sixth Congress, at an estimated cost of \$2,364,000;

Duluth-Superior Harbor, Minnesota and Wisconsin: House Document Numbered 196, Eighty-sixth Congress, at an estimated cost of \$2,513,000;

Ashland Harbor, Wisconsin: House Document Numbered 165, Eighty-sixth Congress, at an estimated cost of \$1,495,000;

Presque Isle Harbor, Michigan: House Document Numbered 145, Eighty-sixth Congress, at an estimated cost of \$215,300; Michigan.

Marquette Harbor, Michigan: House Document Numbered 154, Eighty-sixth Congress, at an estimated cost of \$236,000;

Manistee Harbor, Michigan: House Document Numbered 358, Eighty-sixth Congress, at an estimated cost of \$1,735,000;

Detroit River, Trenton Channel, Michigan: House Document Numbered 319, Eighty-sixth Congress, at an estimated cost of \$8,570,000;

Calumet Harbor, Illinois and Indiana: House Document Numbered 149, Eighty-sixth Congress, at an estimated cost of \$5,240,000; Illinois and Indiana.

Indiana Harbor, Indiana: House Document Numbered 195, Eighty-sixth Congress, at an estimated cost of \$974,000;

Toledo Harbor, Ohio: House Document Numbered 153, Eighty-sixth Congress, at an estimated cost of \$14,684,000; Ohio.

Sandusky Harbor, Ohio: House Document Numbered 144, Eighty-sixth Congress, at an estimated cost of \$5,800,000;

Cleveland Harbor, Ohio: House Document Numbered 152, Eighty-sixth Congress, at an estimated cost of \$2,486,000;

Lorain Harbor, Ohio: House Document Numbered 166, Eighty-sixth Congress, at an estimated cost of \$19,323,000;

Fairport Harbor, Ohio: House Document Numbered 347, Eighty-sixth Congress, at an estimated cost of \$2,768,000;

Ashtabula Harbor, Ohio: House Document Numbered 148, Eighty-sixth Congress, at an estimated cost of \$4,077,000;

Erie Harbor, Pennsylvania: House Document Numbered 199, Eighty-sixth Congress, at an estimated cost of \$1,729,000; Pennsylvania.

New York. Buffalo Harbor, New York: House Document Numbered 151, Eighty-sixth Congress, at an estimated cost of \$2,352,000;
Rochester Harbor, New York: House Document Numbered 409, Eighty-sixth Congress, at an estimated cost of \$2,445,000;

California. Los Angeles and Long Beach Harbors (West Basin), California: House Document Numbered 401, Eighty-sixth Congress, at an estimated cost of \$1,768,000;
Monterey Harbor (Monterey Bay), California: House Document Numbered 219, Eighty-sixth Congress, at an estimated cost of \$3,989,000;
Noyo River and Harbor, California: House Document Numbered 289, Eighty-sixth Congress, at an estimated cost of \$370,000;

Washington. Snohomish River (Everett Harbor), Washington: House Document Numbered 348, Eighty-sixth Congress, at an estimated cost of \$3,011,000;

Hawaii. Kahului Harbor, Island of Maui, Hawaii: House Document Numbered 109, Eighty-sixth Congress, at an estimated cost of \$944,500;

Hilo Harbor. Study. Hilo Harbor, Hawaii: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of a sea-wall to protect against tidal waves and excessive high tides, and the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress.

BEACH EROSION CONTROL

Massachusetts. Wessagussett Beach, Weymouth, Massachusetts: House Document Numbered 334, Eighty-sixth Congress, at an estimated cost of \$132,000;
Pemberton Point to Cape Cod Canal, Massachusetts: House Document Numbered 272, Eighty-sixth Congress, at an estimated cost of \$139,300;
Cape Cod Canal to Provincetown, Massachusetts: House Document Numbered 404, Eighty-sixth Congress, at an estimated cost of \$178,000;

Rhode Island. South Kingstown and Westerly, Rhode Island: House Document Numbered 30, Eighty-sixth Congress, at an estimated cost of \$140,300;

New York. Atlantic Coast of Long Island, Fire Island Inlet to Montauk Point, New York: House Document Numbered 425, Eighty-sixth Congress, at an estimated cost of \$19,400,000;

New Jersey. New Jersey Coast from Barnegat Inlet to Cape May Canal, New Jersey: House Document Numbered 208, Eighty-sixth Congress, at an estimated cost of \$1,714,000;

Florida. Key West, Florida: House Document Numbered 413, Eighty-fifth Congress, at an estimated cost of \$231,200.

Pennsylvania. Presque Isle Peninsula, Erie, Pennsylvania: House Document Numbered 397, Eighty-sixth Congress, periodic nourishment;

California. Orange County, Newport Bay to San Mateo Creek, California: House Document Numbered 398, Eighty-sixth Congress, at an estimated cost of \$256,000.

Reimbursement. SEC. 102. That the Secretary of the Army is hereby authorized to reimburse local interests for such work done by them, on the beach erosion projects authorized in section 101, subsequent to the initiation of the cooperative studies which form the basis for the projects: *Provided*, That the work which may have been done on these projects is approved by the Chief of Engineers as being in accordance with the projects hereby adopted: *Provided further*, That such reimbursement

shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority for improvements.

SEC. 103. That the last paragraph of section 2 of the River and Harbor Act of July 3, 1930 (46 Stat. 933 at 945) pertaining to cooperative shore erosion studies and to the Beach Erosion Board, is hereby amended to read as follows:

Shore erosion
studies.
33 USC 426.

"The Chief of Engineers of the United States Army, under the direction of the Secretary of the Army, is authorized and directed to cause investigations and studies to be made in cooperation with the appropriate agencies of the various States on the Atlantic, Pacific, and gulf coasts and on the Great Lakes, and of the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States, with a view to devising effective means of preventing erosion of the shores of coastal and lake waters by waves and currents; and any expenses incident and necessary thereto may be paid from funds appropriated for General Investigations, Civil Functions, Department of the Army: *Provided*, That the Department of the Army may release to the appropriate cooperating agencies information obtained by these investigations and studies prior to the formal transmission of reports to Congress: *Provided further*, That no money shall be expended under authority of this section in any State which does not provide for cooperation with the agents of the United States and contribute to the project such funds or services as the Secretary of the Army may deem appropriate and require; that there shall be organized under the Chief of Engineers, United States Army, a Board of seven members, of whom four shall be officers of the Corps of Engineers and three shall be civilian engineers selected by the Chief of Engineers with regard to their special fitness in the field of beach erosion and shore protection. The Board will furnish such technical assistance as may be directed by the Chief of Engineers in the conduct of such studies as may be undertaken and will review the reports of the investigations made. In the consideration of such studies as may be referred to the Board by the Chief of Engineers, the Board shall, when it considers it necessary and with the sanction of the Chief of Engineers, make, as a board or through its members, personal examination of localities under investigation: *Provided further*, That the civilian members of the Board may be paid at rates not to exceed \$100 a day for each day of attendance at Board meetings, not to exceed thirty days per annum, in addition to the traveling and other necessary expenses connected with their duties on the Board in accordance with the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2)."

SEC. 104. (a) That the Secretary of the Army is authorized and directed to donate and convey by quitclaim deed to the Ship Canal Authority of the State of Florida all of the right, title, and interest of the United States of America in and to—

69 Stat. 394.

Ship Canal
Authority, Fla.
Land conveyance.

(1) lands in Putnam County, Florida, acquired by the United States of America by condemnation proceedings in the United States District Court for the Southern District of Florida, Jacksonville Division, as case numbered 356 U.S.J. Civil; and (2) lands in Marion County, Florida, acquired by the United States of America by condemnation proceedings instituted in the United States District Court for the Southern District of Florida, Ocala Division, as cases numbered 9, 10, 11, 12, 13, 14, 15, 16, and 22, U.S. Ocala Civil.

(b) It is intended hereby to authorize and direct the conveyance of all lands heretofore acquired by the United States with funds provided by the said authority for rights-of-way for a proposed ship canal across Florida.

(c) The conveyance authorized by this section shall be made without monetary consideration therefor but upon the conditions that the Ship Canal Authority of the State of Florida will, without cost to the United States: (1) when called upon by the Chief of Engineers, United States Army, to do so, reconvey to the United States, free of any encumbrances placed thereon during ownership by said authority, those lands conveyed pursuant to this section that are required for the Cross Florida Barge Canal; (2) relocate any roads, bridges, or utility lines constructed on or across such lands after the conveyance under this section by the United States, if the relocation thereof is required by the Chief of Engineers; (3) maintain and preserve improvements previously constructed upon the land by the Federal Government in a manner that will not increase the cost of the barge canal project; (4) hold the United States safe and free from any damages resulting from the aforementioned construction; and (5) devote the proceeds from sales of any lands conveyed to it under this section solely for the acquisition, for transfer to the United States free of cost, of any other lands required for the barge canal project.

(d) Nothing in this section shall be construed as a limitation on the right of the Ship Canal Authority of the State of Florida to sell any of the lands that, in the opinion of the United States Army district engineer at Jacksonville, Florida, will not be required for the Cross Florida Barge Canal. Any surveys or descriptions required to permit the disposal of any such lands shall be paid for by the Ship Canal Authority of the State of Florida if desired by said authority prior to the appropriation of funds therefor by the Federal Government.

(e) Nothing in this section shall be construed as a waiver of the obligation of the Ship Canal Authority of the State of Florida to (1) furnish, without cost to the United States, all lands, easements, and rights-of-way necessary for the construction of the Cross Florida Barge Canal as authorized by the Act of July 23, 1942 (56 Stat. 703); (2) hold and save the United States free from any damages resulting from the construction of said barge canal; and (3) to take over, maintain and operate all highways, bridges, and roadways built in connection with the said barge canal project.

Missouri
River, study.

59 Stat. 10.

SEC. 105. The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project for improvement of the Missouri River between Sioux City, Iowa, and the mouth, authorized by the River and Harbor Act approved March 2, 1945, to determine if modification is warranted to provide for a lake in the abandoned river channel of the Missouri River between river miles 710 and 715 for recreational purposes, by means of: (a) Construction of a levee extending along the left bank of the new channel to be constructed in the Middle Decatur Bend area of the Missouri River; and (b) construction of hydraulic-fill closures at both ends of the old channel, and such modification is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress.

West Virginia.

SEC. 106. The Corps of Engineers is authorized and directed to accept as a project feature the cost of necessary improvement of that section of West Virginia State Secondary Route 40/5 approximately eighty-five one-hundredths mile in length, from its junction with State Route 40 to its terminus near the Hildebrand lock and dam site on the Monongahela River in order to provide access thereto. This authority is provided with the understanding that this method

will provide necessary access to the project at the least expenditure of Federal funds, and further that the State of West Virginia will accept as its responsibility the future maintenance of the road.

Sec. 107. (a) That the Secretary of the Army is hereby authorized to allot from any appropriations hereafter made for rivers and harbors not to exceed \$2,000,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

Non-authorized
projects.
Allotments.

(b) Not more than \$200,000 shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

(c) Local interests shall provide without cost to the United States all necessary lands, easements and rights-of-way for all projects to be constructed under the authority of this section. In addition, local interests may be required to hold and save the United States free from damages that may result from the construction and maintenance of the project and may be required to provide such additional local cooperation as the Chief of Engineers deems appropriate. A State, county, municipality or other responsible local entity shall give assurance satisfactory to the Chief of Engineers that such conditions of cooperation as are required will be accomplished.

(d) Non-Federal interests may be required to share in the cost of the project to the extent that the Chief of Engineers deems that such cost should not be borne by the Federal Government in view of the recreational or otherwise special or local nature of the project benefits.

(e) Each project for which money is allotted under this section shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, other than routine maintenance, and except as may result from the normal procedure applying to projects authorized after submission of survey reports, and projects constructed under the authority of this section shall be considered as authorized projects.

(f) This section shall apply to, but not be limited to, the provision of low water access navigation channels from the existing channel of the Mississippi River to harbor areas heretofore or now established and located along the Mississippi River.

Sec. 108. (a) That whenever the Secretary of the Army, upon the recommendation of the Chief of Engineers, determines that notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, with respect to disposal of surplus real property, (1) the development of public port or industrial facilities on land which is part of a water resource development project under his jurisdiction will be in the public interest; (2) that such development will not interfere with the operation and maintenance of the project; and (3) that disposition of the property for these purposes under this section will serve the objectives of the project within which the land is located, he may convey the land by quitclaim deed to a State, political subdivision thereof, port district, port authority, or other body created by the State or through a compact between two or more States for the purpose of developing or encouraging the development of such facilities. In any case, where two or more political subdivisions thereof, or bodies created by, a State or group of States, seek to obtain the same land, the Secretary of the Army shall give preference to that political sub-

Surplus
property,
disposal.
40 USC 471
note.

division or body whose intended use of land will, in his opinion, best promote the purposes for which the project involved was authorized.

(b) Any conveyance authorized by this section shall be made at the fair market value of the land, as determined by the Secretary of the Army, upon condition that the property shall be used for one of the purposes stated in the subsection (a) of this section only, and subject to such other conditions, reservations or restrictions as the Secretary may determine to be necessary for the development, maintenance, or operation of the project or otherwise in the public interest.

(c) Prior to the conveyance of any land under the provisions of this section, the Secretary of the Army shall, in the manner he deems reasonable, give public notice of the proposed conveyance and afford an opportunity to interested eligible bodies in the general vicinity of the land to apply for its purchase.

(d) The Secretary of the Army may delegate any authority conferred upon him by this section to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(e) The proceeds from any conveyance made under the provisions of this section shall be covered into the Treasury as miscellaneous receipts.

Surveys.

64 Stat. 168.

SEC. 109. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following named localities and subject to all applicable provisions of section 10 of the River and Harbor Act of 1950:

Prospect Harbor, Maine.

Calf Island, between Roque Island Bluffs and Seawall Point, Maine.

Green Harbor, Marshfield, Massachusetts.

Nauset Harbor, Massachusetts.

Eel Pond, Menauhant, Massachusetts.

Pleasant Bay, Massachusetts.

Rye Harbor (Playland Marina), New York.

Sturgeon Creek, Middlesex County, Virginia.

Beresford Creek, South Carolina.

Channel across Santa Rosa Peninsula and Santa Rosa Island, Florida, to connect East Bay with Santa Rosa Sound and Little Sabine Bay with the Gulf of Mexico.

Channel from vicinity of Avalon, Florida, to the waters of Escambia Bay.

Lake Pontchartrain, Louisiana.

Washburn Harbor, Wisconsin.

Little Bay De Noc, Michigan.

Ship Canal between Tacoma and Seattle, Washington.

Point Roberts, Washington.

Deep-water harbor in the Maalaea Bay Area, Island of Maui, Hawaii.

Deep-water harbor at Kahaluu, Island of Oahu, Hawaii.

Coastal waters, State of Hawaii, investigation of sites for possible use as anchorage areas for handling of explosives; areas of investigation to be designated by such State's Governor's Advisory Committee on Explosives.

36 Stat. 638.

SEC. 110. (a) That the project for a navigation channel in Saint Jones River, Delaware, authorized by the River and Harbor Act of June 25, 1910, insofar as said project relates to said stream upstream from Lebanon, Delaware, be and the same is hereby abandoned.

(b) That Saint Jones River upstream from Lebanon, Delaware, be, and the same is hereby, declared to be not navigable waters of the United States within the meaning of the Constitution and laws of the United States.

(c) The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 111. Title I of this Act may be cited as the "River and Harbor Short title. Act of 1960".

TITLE II—FLOOD CONTROL

Flood Control
Act of 1960.

SEC. 201. That section 3 of the Act approved June 22, 1936 (Public Law Numbered 738, Seventy-fourth Congress), as amended by section 2 of the Act approved June 28, 1938 (Public Law Numbered 761, Seventy-fifth Congress), shall apply to all works authorized in this title except that for any channel improvement or channel rectification project, provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: *Provided*, That the authorization for any flood-control project herein adopted requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the Department of the Army of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished.

49 Stat. 1571;
52 Stat. 1215.

Expiration
of authoriza-
tion.

SEC. 202. The provisions of section 1 of the Act of December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress, second session), shall govern with respect to projects authorized in this Act, and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto shall apply as if herein set forth in full.

Procedures.
58 Stat. 887.

SEC. 203. 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 under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated and subject to the conditions set forth therein: *Provided*, That the necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this title with funds from appropriations heretofore or hereafter made for flood control so as to be ready for rapid inauguration of a construction program: *Provided further*, That the projects authorized herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements: *And provided further*, That penstocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized in this Act for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineers and the Federal Power Commission.

Projects
authorized.

BLACKSTONE RIVER BASIN

The project for flood protection on Blackstone, Mill, and Peters Rivers, in Woonsocket, Rhode Island, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 87, Eighty-fifth Congress, at an estimated cost of \$2,970,000.

THAMES RIVER BASIN

The project for the West Thompson Reservoir on the Quinebaug River, Connecticut, is hereby authorized substantially as recommended by the Chief of Engineers in Senate Document Numbered 41, Eighty-sixth Congress, at an estimated cost of \$4,010,000.

CONNECTICUT RIVER BASIN

The plan for flood protection on the Chicopee River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 434, Eighty-sixth Congress, at an estimated cost of \$5,180,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

The project for flood protection on the Westfield River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 109, Eighty-sixth Congress, at an estimated cost of \$3,240,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

The plan for flood control and related purposes on the Farmington River, Connecticut and Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 443, Eighty-sixth Congress, at an estimated cost of \$12,052,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with inter-

est within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

PAWCATUCK, CONNECTICUT

The project for hurricane-flood protection at Pawcatuck, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 212, Eighty-sixth Congress, at an estimated Federal cost of \$409,000.

HOUSATONIC RIVER BASIN

The project for flood control dams and reservoirs on the Naugatuck River, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 372, Eighty-sixth Congress, at an estimated cost of \$10,230,000.

STAMFORD, CONNECTICUT

The project for hurricane-flood protection at Stamford, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 210, Eighty-sixth Congress, at an estimated Federal cost of \$3,030,000 for construction, and at an estimated Federal cost of maintenance and operation of \$31,000 annually.

CENTRAL AND SOUTHERN FLORIDA

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$23,000,000 for the prosecution of the central and southern Florida comprehensive plan for flood control and other purposes approved in the Flood Control Act of 1948, and subsequent Acts of Congress, and such comprehensive plan is hereby modified to include the following:

62 Stat. 1176.

The project for canals, levees, and water control and drainage structures in the Nicodemus Slough area, Glades County, Florida, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers contained in Senate Document Numbered 53, Eighty-sixth Congress, at an estimated cost of \$318,000.

That the levees around Lake Okeechobee, Florida, authorized by the Rivers and Harbors Act approved July 3, 1930, and modified by the Flood Control Act approved June 30, 1948, and subsequent Acts, shall be known and designated as the Herbert Hoover Dike, and any law, regulation, document, or record of the United States in which such levees are referred to under any other name or designation shall be held to refer to such levees as the Herbert Hoover Dike.

46 Stat. 925;
62 Stat. 1176.
Herbert Hoover
Dike.

PEARL RIVER, MISSISSIPPI

The project for flood protection on the Pearl River at Jackson, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 441, Eighty-sixth Congress, at an estimated cost of \$3,609,000.

LOWER MISSISSIPPI RIVER

45 Stat. 534.
33 USC 702a-m,
704.

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 modified and expanded to include the following items of work and the authorization for said project is increased accordingly:

(a) In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$50,000,000 to provide for the continued prosecution of the channel improvement feature of the project.

TRINITY RIVER BASIN

59 Stat. 10.

The comprehensive plan for improvement of the Trinity River and tributaries, Texas, as authorized by the River and Harbor Act of 1945, is hereby modified to include the following projects:

(a) The project for flood protection on Big Fossil Creek in the Richland Hills area, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 407, Eighty-sixth Congress, at an estimated cost of \$1,861,400.

(b) Modification and extension of the Fort Worth Floodway on the West Fork of the Trinity River and tributaries, at Fort Worth, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 402, Eighty-sixth Congress, at an estimated cost of \$2,241,000.

GUADALUPE RIVER BASIN

The project for flood control on Blieders Creek, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 180, Eighty-sixth Congress, at an estimated cost of \$1,060,000.

BRAZOS RIVER BASIN, TEXAS

68 Stat. 1248.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$21,000,000, for the prosecution of the comprehensive plan for the Brazos River Basin authorized by the Flood Control Act of September 3, 1954.

RED-OUACHITA RIVER BASIN

60 Stat. 641.

The general plan for flood control and other purposes on Red River, Texas, Oklahoma, Arkansas, and Louisiana, below Denison Dam, Texas and Oklahoma, as authorized by the Flood Control Act of 1946, and amended and supplemented by subsequent Acts of Congress, is hereby further modified to provide for additional improvements for flood control, drainage, and other purposes, substantially in accordance with the recommendations of the Chief of Engineers as follows:

(a) McKinney Bayou, Arkansas and Texas: House Document Numbered 220, Eighty-sixth Congress, at an estimated cost of \$346,400.

(b) Maniece Bayou, Arkansas: House Document Numbered 288, Eighty-sixth Congress, at an estimated cost of \$668,400.

(c) East Point, Louisiana: House Document Numbered 406, Eighty-sixth Congress, at an estimated cost of \$273,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and

acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

(d) Garland City, Arkansas: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of emergency bank protection at Garland City, Arkansas, and the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress.

WHITE RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$50,000,000, for the prosecution of the comprehensive plan for the White River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress. 52 Stat. 1218.

Modification of the existing flood protection project for Village Creek, White River, and Mayberry Levee Districts, White River, Arkansas, is hereby authorized substantially in accordance with plan I as contained in House Document Numbered 225, Eighty-sixth Congress, at an estimated cost of \$294,000: *Provided*, That the Secretary of the Army is hereby authorized and directed to cause a restudy to be made under the direction of the Chief of Engineers of plan III as contained in the House Document Numbered 225, Eighty-sixth Congress, and to report to Congress his findings thereon.

Report to
Congress.

ARKANSAS RIVER BASIN

The general comprehensive plan for flood control and other purposes for the Arkansas River Basin, approved by the Act of June 28, 1938, as amended, and the multiple-purpose plan for the Arkansas River and tributaries, Arkansas and Oklahoma, approved by the River and Harbor Act of July 24, 1946, as amended, are hereby further amended to provide for the incorporation of the two plans into a single plan of development: *Provided*, That authorizations heretofore, herein and hereafter made available for the Arkansas River Basin shall be applicable to the combined plan of development. 52 Stat. 1218. 60 Stat. 634.

There is hereby authorized to be appropriated the sum of \$179,000,000 for prosecution of the combined plan of development for the Arkansas River Basin as herein authorized.

RIO GRANDE BASIN

The project for improvement of the Rio Grande Basin is hereby authorized substantially as recommended by the Chief of Engineers in Senate Document Numbered 94, Eighty-sixth Congress, at an estimated cost of \$58,300,000.

Conditions and
limitations.

The approval granted above shall be subject to the following conditions and limitations:

Cochiti Reservoir, Galisteo Reservoir, and all other reservoirs constructed by the Corps of Engineers as a part of the Middle Rio Grande project will be operated solely for flood control and sediment control, as described below:

(a) the outflow from Cochiti Reservoir during each spring flood and thereafter will be at the maximum rate of flow that can be carried at the time in the channel of Rio Grande through the middle valley without causing flooding of areas protected by levees or unreasonable damage to channel protective works: *Provided*, That whenever during the months of July, August, September, and October, there is more than two hundred twelve thousand acre-feet of storage available for regulation of summer floods and the inflow to Cochiti Reservoir (exclusive of that portion of the inflow derived from upstream flood-control storage) is less than one thousand five hundred cubic feet per second, no water will be withdrawn from storage in Cochiti Reservoir and the inflow derived from upstream flood-control storage will be retained in Cochiti Reservoir.

(b) Releases of water from Galisteo Reservoir and Jemez Canyon Reservoir during the months of July, August, September, and October, will be limited to the amounts necessary to provide adequate capacity for control of subsequent summer floods; and such releases when made in these months, or thereafter, will be at the maximum rate practicable under the conditions at the time.

(c) Subject to the foregoing, the storage of water in and the release of water from all reservoirs constructed by the Corps of Engineers as part of the Middle Rio Grande project will be done as the interests of flood and sediment control may dictate: *Provided*, That the Corps of Engineers will endeavor to avoid encroachment on the upper two hundred and twelve thousand acre-feet of capacity in Cochiti Reservoir, and all reservoirs will be evacuated completely on or before March 31 of each year: *And provided further*, That when estimates of anticipated streamflow made by appropriate agencies of the Federal Government indicate that the operation of reservoirs constructed as a part of the Middle Rio Grande project may affect the benefits accruing to New Mexico or Colorado, under the provisions of the eighth unnumbered paragraph of article VI of the Rio Grande compact, releases from such reservoirs shall be regulated to produce a flow of ten thousand cubic feet per second at Albuquerque, or such greater or lesser rate as may be determined by the Chief of Engineers at the time to be the maximum safe flow, whenever such operation shall be requested by the Rio Grande compact commissioner for New Mexico or the commissioner for Colorado, or both, in writing prior to commencement of such operation.

(d) All reservoirs of the Middle Rio Grande project will be operated at all times in the manner described above in conformity with the Rio Grande compact, and no departure from the foregoing operation schedule will be made except with the advice and consent of the Rio Grande compact, and no departure from the foregoing operation schedule will be made except with the advice and consent of the Rio Grande Compact Commission: *Provided*, That whenever the Corps of Engineers determines that an emergency exists affecting the safety of major structures or endangering life and shall so advise the Rio Grande Compact Commission in writing these rules of operation may be suspended during the period of and to the extent required by such emergency.

(e) The foregoing regulations shall not apply to storage capacity which may be allocated to permanent pools for recreation and fish and

wildlife propagation: *Provided*, That the water required to fill and maintain such pools is obtained from sources entirely outside the drainage basin of the Rio Grande. *W*

UPPER MISSISSIPPI RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$12,000,000 for the prosecution of the comprehensive plan for the Upper Mississippi River Basin, approved in the Act of June 28, 1938, as amended and supplemented by sub- 52 Stat. 1215. sequent Acts of Congress.

The flood protection project on Redwood River at Marshall, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 417, Eighty-sixth Congress, at an estimated cost of \$2,252,000.

The project for the Coralville Reservoir on Iowa River in Iowa, as authorized by the Act of June 28, 1938 (52 Stat. 1215), is hereby modified in order to provide for a highway bridge across Coralville Reservoir at or near the Mehaffy site, such site to be mutually satisfactory to the Secretary of the Army, the chief engineer, Iowa State Highway Commission, and the Board of Supervisors of Johnson County, Iowa, to replace the previously existing bridge crossing of Johnson County on County Road Y. Such bridge shall be constructed under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with such plans as may be approved by the Chief of Engineers and the chief engineer, Iowa State Highway Commission: *Provided*, That prior to the award of any contract for the construction of the bridge or the approach roads authorized by this paragraph, local interests, acting through the Board of Supervisors of Johnson County, Iowa, shall contribute toward the cost of the construction of such bridge and approach roads such amounts as the Secretary of the Army shall determine to be equitable, and the United States shall pay all other costs of such bridge and approach roads.

MISSOURI RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$207,000,000 for the prosecution of the comprehensive plan for the Missouri River Basin approved in the Act of June 28, 1938, as amended, and supplemented by subsequent Acts of Congress. 52 Stat. 1215.

The report of the Chief of Engineers on Wilson Dam and Reservoir, Saline River, Kansas, submitted in compliance with Public Law 505, Eighty-fourth Congress, published as Senate Document Numbered 96, Eighty-sixth Congress, is hereby approved, and construction of the project as a unit of the comprehensive plan of improvement for the Missouri River Basin authorized by the Flood Control Act approved December 22, 1944, is hereby authorized at an estimated cost of \$18,081,000. 70 Stat. 126. 58 Stat. 887.

The project for flood protection in the Gering and Mitchell Valleys, Nebraska, authorized by the Flood Control Act of July 3, 1958 (Public Law 500, Eighty-fifth Congress), in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 139, 84th Congress, is hereby modified to provide for such revisions in project scope and purposes due to changed conditions as may be found necessary by the Chief of Engineers, to provide needed protection in Gering Valley: *Provided*, That construction shall not be initiated until the Chief of Engineers shall submit a feasibility report, which shall be coordinated with the Soil Conservation Service, for the ap- 72 Stat. 312.

proval of the President which shall set forth the plan of improvement, its economic justification, and his recommendations for local cooperation except that construction shall not be initiated until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which such report is transmitted to it but only if between the date of transmittal and the expiration of such 60-day period such report is not disapproved by Congress.

68 Stat. 1262.

The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project for flood protection at Sioux Falls, South Dakota, authorized by the Flood Control Act approved September 3, 1954, Public Law 780, Eighty-third Congress, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 133, Eighty-fourth Congress, to determine whether extension of the authorized project to include flood protection in the reach between Western Avenue and Cherry Rock Dam, is justified, and such modification is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress.

The project for flood protection on Vermillion River, South Dakota, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in House Document Numbered 426, Eighty-sixth Congress, at an estimated cost of \$6,010,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

That the Fort Randall Dam and Reservoir project, South Dakota, is modified to provide for construction of a free highway bridge over the Missouri River at an appropriate location west of Platte, South Dakota, under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, in accordance with such plans as may be approved by the Chief of Engineers, in order to provide adequate crossing facilities over such river for highway traffic in the area and in replacement of the closure of the Wheeler Bridge by reason of construction of said reservoir at a Federal cost not to exceed \$4,500,000: *Provided*, That local interests shall construct all necessary approaches to the bridge site, and provide without cost to the United States all lands, easements, and rights-of-way necessary for construction of the bridge.

The project for flood protection on Cheyenne River and tributaries, South Dakota and Wyoming, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 280, Eighty-sixth Congress, at an estimated cost of \$272,000.

OHIO RIVER BASIN

The project for flood protection on Lynn Camp Creek at Corbin, Kentucky, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in the House Document Numbered 282, Eighty-sixth Congress, at an estimated cost of \$645,000.

The project for flood control and allied purposes on Laurel River, Kentucky, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 413, Eighty-sixth Congress, at an estimated cost of \$21,900,000: *Provided*, That construction of the project shall not be commenced until the agency designated to market the power has entered into an agreement which would insure that the power would be sold at rates sufficient to repay with interest within 50 years all costs allocated to power.

The project for flood control and allied purposes on Little Sandy River, Kentucky, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 440, Eighty-sixth Congress, at an estimated cost of \$11,900,000.

The project for flood protection on Connoquenessing Creek at Butler, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 110, Eighty-sixth Congress, at an estimated cost of \$1,558,700.

The project for flood protection on Loyalhanna Creek, at Latrobe, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 383, Eighty-sixth Congress, at an estimated cost of \$2,568,300. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

The project for the North Fork Reservoir on the North Fork of Pound River, Virginia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 184, Eighty-sixth Congress, at an estimated cost of \$3,681,000.

The project for flood protection on the West Branch of the Mahoning River, Ohio, authorized in Public Law 85-500, in accordance with the recommendations of the Chief of Engineers in House Document 191, Eighty-fifth Congress, is hereby modified to provide that the entire local share of cost for water for pollution abatement and for municipal and industrial water supply purposes is \$5,200,000, of which \$3,230,000 will be paid in cash during construction, and the unpaid balance at the time the project is placed in useful operation, \$1,970,000, may be paid in cash at that time or repaid on an annual basis in accordance with the principles of title III of said Public Law 85-500.

GREAT LAKES BASIN

The project for flood protection on Cayuga Inlet at and in the vicinity of Ithaca, New York, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 204, Eighty-sixth Congress, at an estimated cost of \$3,950,000.

The project for flood protection on Smokes Creek at and in the vicinity of Lackawanna, New York, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 200, Eighty-sixth Congress, at an estimated cost of \$1,974,000.

GILA RIVER BASIN

The plan of improvement for flood protection and allied purposes on the Gila and Salt Rivers, Gillespie Dam to McDowell Dam site, Arizona, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 279, Eighty-sixth Congress, at an estimated Federal cost of \$3,300,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

WHITEWATER RIVER BASIN, CALIFORNIA

The project for flood protection on Tahchevah Creek at and in the vicinity of Palm Springs, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 171, Eighty-sixth Congress, at an estimated Federal cost of \$1,105,000: *Provided*, That non-Federal interests shall bear 50 percent of the cost of the project including the cost of lands, easements, rights-of-way, and relocations.

MOJAVE RIVER BASIN

The plan for flood control on the Mojave River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 164, Eighty-sixth Congress, at an estimated cost of \$3,070,000.

LOS ANGELES RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$32,000,000 for the prosecution of the comprehensive plan approved in the Act of August 18, 1941, as amended and supplemented by subsequent Acts of Congress.

WALNUT CREEK BASIN

The plan for flood protection on Walnut Creek, California, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 76, Eighty-sixth Congress, at an estimated cost of \$17,980,000.

SACRAMENTO RIVER BASIN

The project for flood protection on the Sacramento River, California, authorized by the Flood Control Act approved March 1, 1917, as amended and modified by subsequent Acts of Congress, is further modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 103, Eighty-sixth Congress, and there is hereby authorized to be appropriated the sum of \$14,240,000 for the prosecution of the initial phase of bank erosion control works and setback levees on the Sacramento River. 39 Stat. 948.

LAS VEGAS WASH, NEVADA

The project for flood protection on Las Vegas Wash and tributaries, Nevada, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 405, Eighty-sixth Congress, at an estimated cost of \$13,410,000.

GLEASON CREEK, NEVADA

The project for flood protection on Gleason Creek, Nevada, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 388, Eighty-sixth Congress, at an estimated cost of \$450,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

GREAT SALT BASIN, UTAH

The project for flood protection on the Salt Lake City Streams, Jordan River Basin, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 213, Eighty-sixth Congress, at an estimated cost of \$6,060,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pur-

suant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity.

COLUMBIA RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$148,000,000 for the projects and plans for the Columbia River Basin, including the Willamette River Basin, authorized by the Flood Control Act of June 28, 1938, and subsequent Acts of Congress, including the Flood Control Acts of May 17, 1950, September 3, 1954, and July 3, 1958, and these projects and plans are hereby modified to include:

52 Stat. 1215;
64 Stat. 170;
68 Stat. 1248;
72 Stat. 297.

The project for construction of the Foster Reservoir on the South Santiam River, Willamette River Basin, Oregon, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 104, Eighty-sixth Congress, at an estimated cost of \$17,340,000.

Merced River
development.

SEC. 204. That, in recognition of the flood-control accomplishments of the multiple-purpose Merced River development including the Bagby, New Exchequer, and Snelling Dams and Reservoirs, proposed to be constructed on the Merced River by the Merced Irrigation District of California, there is hereby authorized to be appropriated a monetary contribution toward the construction cost of such development and the amount of such contribution shall be determined by the Secretary of the Army in cooperation with the Merced Irrigation District, subject to a finding by the Secretary of the Army, approved by the President, of economic justification for allocation of the amount of flood control, such funds to be administered by the Secretary of the Army: *Provided*, That prior to making the monetary contribution or any part thereof, the Department of the Army and the Merced Irrigation District shall have entered into an agreement providing for operation of the dams and reservoirs in such manner as will produce the flood-control benefits upon which the monetary contribution is predicated, and such operation of the dams and reservoirs for flood control shall be in accordance with rules prescribed by the Secretary of the Army pursuant to the provisions of section 7 of the Flood Control Act of 1944 (58 Stat. 890): *Provided further*, That the funds appropriated under this authorization shall be administered by the Secretary of the Army in a manner which shall assure that the annual Federal contribution during the project construction period does not exceed the percentage of the annual expenditure for the dams and reservoirs which the total flood control contribution bears to the total cost of the dams and reservoirs: *And provided further*, That, unless construction of the development is undertaken within four years from the date of enactment of this Act, the authority for the monetary contribution contained herein shall expire.

33 USC 709.

Mokelumne
River dam.

SEC. 205. That, in recognition of the flood control accomplishments of the multiple purpose dam and reservoir (or dams and reservoirs) proposed to be constructed on the Mokelumne River by the East Bay Municipal Utility District of Oakland, California, there is hereby authorized to be appropriated a monetary contribution toward the construction cost of such dam and reservoir (or dams and reservoirs) and the amount of such contribution shall be determined by the Secretary of the Army in cooperation with the East Bay Municipal Utility District, and the Secretary of the Interior, subject to a finding by the Secretary of the Army, approved by the President, of economic

justification for allocation of the amount of flood control, such funds to be administered by the Secretary of the Army: *Provided*, That the plan of improvement proposed by the East Bay Municipal Utility District will afford a degree of flood control which in the opinion of the Secretary of the Army is adequate for the Mokelumne River as a part of the overall flood control program for the central valley: *Provided further*, That, prior to making the monetary contribution or any part thereof, the Department of the Army and the East Bay Municipal Utility District shall have entered into an agreement providing for operation of the dam or dams in such manner as will produce the flood control benefits upon which the monetary contribution is predicated, and such operation of the dam or dams for flood control shall be in accordance with rules prescribed by the Secretary of the Army pursuant to the provisions of section 7 of the Flood Control Act of 1944 (54 Stat. 890): *Provided further*, That prior to making the monetary contribution or any part thereof, the Department of the Army and the East Bay Municipal Utility District shall have entered into an agreement to provide adequately for mitigation of damages to fish and wildlife consistent with the other purposes of the project: *And provided further*, That the funds appropriated under this authorization shall be administered by the Secretary of the Army in a manner which shall assure that the annual Federal contribution during the project construction period does not exceed the percentage of the annual expenditure for the dam and reservoir (or dams and reservoirs) which the total flood control contribution bears to the total cost of the dam and reservoir (or dams and reservoirs).

33 USC 709.

Sec. 206. (a) That, in recognition of the increasing use and development of the flood plains of the rivers of the United States and of the need for information on flood hazards to serve as a guide to such development, and as a basis for avoiding future flood hazards by regulation of use by States and municipalities, the Secretary of the Army, through the Chief of Engineers, Department of the Army, is hereby authorized to compile and disseminate information on floods and flood damages, including identification of areas subject to inundation by floods of various magnitudes and frequencies, and general criteria for guidance in the use of flood plain areas; and to provide engineering advice to local interests for their use in planning to ameliorate the flood hazard: *Provided*, That the necessary surveys and studies will be made and such information and advice will be provided for specific localities only upon the request of a State or a responsible local governmental agency and upon approval by the Chief of Engineers.

Flood hazards,
etc., studies.

(b) The Secretary of the Army is hereby authorized to allot, from any appropriations hereafter made for flood control, sums not to exceed \$1,000,000 in any one fiscal year for the compilation and dissemination of such information.

Sec. 207. (a) That whenever, in connection with the construction of any authorized flood control, navigation or multiple-purpose project for the development of water resources, the Chief of Engineers, under the direction of the Secretary of the Army, determines it to be in the public interest to utilize existing public roads as a means of providing access to such projects during construction, he may, at his discretion, improve, reconstruct and maintain such roads and he may contract with the local authority having jurisdiction over the roads to accomplish the necessary work. The accomplishment of such work may be carried out with or without obtaining any interest in the land on which the road is located in accordance with mutual agreement between the parties: *Provided*, (1) That the Chief of Engineers determines that such work would result in a saving in Federal cost as opposed to the cost of providing a new access road at Federal expense,

Use of
public
roads.

(2) That, at the completion of construction, the Chief of Engineers will, if necessary, restore the road to at least as good condition as prior to the beginning of utilization for access during construction, and
 (3) That, at the completion of construction, the responsibility of the Chief of Engineers for improvement, reconstruction and maintenance shall cease.

(b) That, for such water resources projects, under construction or to be constructed, 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 Chief of Engineers is authorized to construct such substitute roads to design standards comparable to those of the State in which the road is located, for roads of the same classification as the road being replaced. The traffic existing at the time of the taking shall be used in the determination of the classification.

Flood control,
surveys.

SEC. 208. The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its territorial possessions, which include the following-named localities: *Provided*, That after the regular or formal reports made on any survey are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress if such review is required by the national defense or by changed physical or economic conditions: *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 title until the project for the proposed work shall have been adopted by law:

Ogunquit, York, Wells, Kennebunk, Kennebunkport, Biddeford, Saco, Old Orchard, Cape Elizabeth, Portland, and Phippsburg, and adjacent coastal areas, Maine.

Patuxent River, Maryland.

Pithlachascotee River, Masaryktown, Anclote River, Lake Tarpon, Brooksville, and adjacent areas, Florida.

Phillippi Creek, Florida.

Indian River and other streams draining into Indian Lake and Lake Michigan in the vicinity of Manistique, Michigan.

Atherton Creek, San Mateo County, California.

Wildcat and San Pablo Creeks, Contra Costa County, California.

Streams in Marin County, California, flowing into Richardson Bay, an arm of San Francisco Bay, including Coyote Creek and Arroyo Corte Madera del Presidio Creek.

Island of Hawaii, State of Hawaii, construction of dikes, barriers, or walls, to protect lives and property from lava flows resulting from volcanic eruption.

Kahoma Stream, Island of Maui, Hawaii.

Edwards Under-
ground Res-
ervoir.

SEC. 209. The Chief of Engineers, under the direction of the Secretary of the Army, is authorized and directed to cause an investigation and study to be made, in cooperation with appropriate agencies of the State of Texas, with a view to devising effective means of accomplishing the recharge and replenishment of the Edwards Underground

Reservoir as a part of plans for flood control and water conservation in the Nueces, San Antonio and Guadalupe River Basins of Texas: *Provided*, That the State of Texas or its agencies contribute toward the cost of such study such funds or services as the Secretary of the Army may deem appropriate: *Provided further*, That the findings of such study shall be presented in a joint report signed by the appropriate representatives of the Governor of Texas and of the Chief of Engineers.

SEC. 210. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$60,000,000 for the prosecution of the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, for continuing the works in the Missouri River Basin to be undertaken under said plans by the Secretary of the Interior. 58 Stat. 891.

SEC. 211. (a) The Secretary of the Army is authorized and directed to pay to any bona fide lessee or permittee owning improvements, which are or which were situated on a railroad right-of-way, the fair value of any such improvements, which have been or will be rendered inoperative or be otherwise adversely affected by the construction of the Tuttle Creek Reservoir project on the Blue River, Kansas, as determined by the Secretary, or by the United States District Court for the District of Kansas on which is conferred jurisdiction for this purpose.

(b) The Secretary of the Army is authorized to provide the funds necessary to carry out the provisions of this section from any moneys appropriated for the construction of the Tuttle Creek Reservoir project.

SEC. 212. Title II of this Act may be cited as the "Flood Control Act Short title. of 1960".

TITLE III—ACQUISITION OF REQUIRED LAND

DECLARATION OF POLICY

SEC. 301. It is hereby declared to be the policy of Congress that owners and tenants whose property is acquired for public works projects of the United States of America shall be paid a just and reasonable consideration therefor. In order to facilitate the acquisition of land and interests therein by negotiation with property owners, to avoid litigation and to relieve congestion in the courts, the Secretary of the Army (or such other officers of the Department of the Army as he may designate) is authorized in any negotiation for the purchase of such property to pay a purchase price which will take into consideration the policy set forth in this section.

DISSEMINATION OF INFORMATION

SEC. 302. Within six months after the date that Congress authorizes construction of a water resource development project under the jurisdiction of the Secretary of the Army, the Corps of Engineers shall make reasonable effort to advise owners and occupants in and adjacent to the project area as to the probable timing for the acquisition of lands for the project and for incidental rights-of-way, relocations, and any other requirements affecting owners and occupants. Within a reasonable time after initial appropriations are made for land acquisition or construction, including relocations, the Corps of Engineers shall conduct public meetings at locations convenient to owners and tenants to be displaced by the project in order to advise them of the

proposed plans for acquisition and to afford them an opportunity to comment. To carry out the provisions of this section, the Chief of Engineers shall issue regulations to provide, among other things, dissemination of the following information to those affected: (1) factors considered in making the appraisals; (2) desire to purchase property without going to court; (3) legal right to submit to condemnation proceedings; (4) payments for moving expenses or other losses not covered by appraised market value; (5) occupancy during construction; (6) removal of improvements; (7) payments required from occupants of Government acquired land; (8) withdrawals by owners of deposits made in court by Government, and (9) use of land by owner when easement is acquired. The provisions of this section shall not subject the United States to any liability nor affect the validity of any acquisitions by purchase or condemnation and shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946, as amended (60 Stat. 237).

5 USC 1001

note.

Short title.

Sec. 303. Title III of this Act may be cited as the "Land Acquisition Policy Act of 1960".

Approved July 14, 1960.