



Public Law 90-483
90th Congress, S. 3710
August 13, 1968

An Act

82 STAT. 731

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 1968.

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. 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

Ipswich River, Massachusetts: House Document Numbered 265, Ninetieth Congress, at an estimated cost of \$616,000;

Fall River Harbor, Massachusetts and Rhode Island: House Document Numbered 175, Ninetieth Congress, at an estimated cost of \$8,762,000;

Bristol Harbor, Rhode Island: House Document Numbered 174, Ninetieth Congress, at an estimated cost of \$873,000;

Port Jefferson Harbor, New York: House Document Numbered 277, Ninetieth Congress, at an estimated cost of \$2,455,000;

Hempstead Harbor, New York: House Document Numbered 101, Ninetieth Congress, at an estimated cost of \$703,000;

Cooper River, Charleston Harbor, South Carolina: Senate Document Numbered 88, Ninetieth Congress, at an estimated cost of \$35,381,000;

Miami Harbor, Florida: Senate Document Numbered 93, Ninetieth Congress, at an estimated cost of \$6,476,000;

Gulf Intracoastal Waterway, St. Marks to Tampa Bay, Florida: Chief of Engineers' Report dated June 6, 1968, except that (1) not to exceed \$40,000,000 is authorized for initiation of such project, and (2) construction of this project shall not be initiated until such plan is approved by the Secretary of the Army and the President;

Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana: House Document Numbered 155, Ninetieth Congress, at an estimated cost of \$8,645,000;

Red River Waterway, Louisiana, Texas, Arkansas, and Oklahoma: House Document Numbered 304, Ninetieth Congress, except that not to exceed \$50,000,000 is authorized for initiation of such project;

Mississippi River-Gulf Outlet, Michoud Canal, Louisiana: Senate Document Numbered 97, Ninetieth Congress, at an estimated cost of \$100,000,000;

Mississippi River Outlets, Venice, Louisiana: House Document Numbered 361, Ninetieth Congress, at an estimated cost of \$4,520,000;

Yazoo River, Mississippi: House Document Numbered 342, Ninetieth Congress, at an estimated cost of \$52,147,000;

Corpus Christi Ship Canal, Texas: Senate Document Numbered 99, Ninetieth Congress, at an estimated cost of \$19,042,000;

Mouth of the Colorado River, Texas: Senate Document Numbered 102, Ninetieth Congress, at an estimated cost of \$8,000,000;

Wilson Harbor, New York: House Document Numbered 112, Ninetieth Congress, at an estimated cost of \$198,000;

Cattaraugus Creek Harbor, New York: House Document Numbered 97, Ninetieth Congress, at an estimated cost of \$1,315,000;

Hamlin Beach State Park, New York: House Document Numbered 358, Ninetieth Congress, at an estimated cost of \$500,000;

Forestville Harbor, Michigan: House Document Numbered 183, Ninetieth Congress, at an estimated cost of \$538,000;

Tawas Bay Harbor, Michigan: House Document Numbered 189, Ninetieth Congress, at an estimated cost of \$466,000;

Detroit River, Trenton Channel, Michigan: House Document Numbered 338, Ninetieth Congress, at an estimated cost of \$31,300,000;

Snohomish River (Everett Harbor), Washington: House Document Numbered 357, Ninetieth Congress, at an estimated cost of \$1,108,000;

Humboldt Harbor and Bay, California: House Document Numbered 330, Ninetieth Congress, at an estimated cost of \$2,430,000;

Port Hueneme, California: House Document Numbered 362, at an estimated cost of \$1,000,000;

Ventura Marina, California: House Document Numbered 356, at an estimated cost of \$1,540,000;

San Diego Harbor, California: House Document Numbered 365, Ninetieth Congress, at an estimated cost of \$5,360,000;

Kake Harbor, Alaska: Senate Document Numbered 70, Ninetieth Congress, at an estimated cost of \$1,760,000;

King Cove Harbor, Alaska: Senate Document Numbered 13, Ninetieth Congress, at an estimated cost of \$522,000;

Sergius and Whitestone Narrows, Alaska: Senate Document Numbered 95, Ninetieth Congress, at an estimated cost of \$3,030,000;

Coasts of Hawaiian Islands, Harbors for Light Draft Vessels: House Document Numbered 353, Ninetieth Congress, at an estimated cost of \$1,256,000.

BEACH EROSION

Brevard County, Florida: House Document Numbered 352, Ninetieth Congress, at an estimated cost of \$680,000.

SEC. 102. The project for beach erosion control, Fort Pierce, Florida, authorized by the River and Harbor Act of 1965 (79 Stat. 1089, 1092) in accordance with the recommendations of the Chief of Engineers in House Document Numbered 84, Eighty-ninth Congress, is hereby modified to provide for construction of the project and periodic nourishment for ten years by the Secretary of the Army, acting through the Chief of Engineers. In addition to applicable requirements of local cooperation set forth in the aforementioned report of the Chief of Engineers, local interests shall, prior to construction, give assurances satisfactory to the Secretary of the Army that they will—

(1) contribute in cash, either in a lump sum prior to initiation of construction or in installments prior to the start of pertinent work items in accordance with construction or nourishment schedules, as determined by the Chief of Engineers, all costs of initial construction and periodic nourishment for ten years exclusive of costs assigned to the Federal Government in the aforementioned recommendations of the Chief of Engineers; and

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

SEC. 103. (a) That section 2 of the Act entitled "An Act authorizing the Secretary of War to sell and convey to the town of Marm...

Marmet, West
Va.
Conveyance.

West Virginia, two tracts of land to be used for municipal purposes", approved July 8, 1942 (56 Stat. 651) is hereby amended by deleting the period after the words "related municipal purposes" and inserting thereafter the phrase "including firefighting facilities and structures".

(b) The Secretary of the Army is authorized and directed to issue to the town of Marmet, West Virginia, without monetary consideration therefor, such written instruments as may be necessary to carry out the provisions of this section.

SEC. 104. (a) That notwithstanding any other provision of law, the Secretary of the Army or his designee, is authorized and directed to convey to the State of West Virginia, subject to the terms and conditions hereinafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain real property, together with improvements thereon, located at Ohio River locks and dams numbered 16, 19, 20, and 21 in West Virginia as described in subsection (b) of this section. No property shall be conveyed under authority of this section until these locks and dams have been determined by the Secretary to be in excess to the requirements of the Department of the Army and suitable replacement facilities are in operation under the Ohio River navigation modernization program. The Secretary may make such prior disposition of such facilities and improvements on such lands as he deems to be in the best interest of the United States.

(b) The real property authorized for conveyance by subsection (a) of this section comprise all or portions of such lands and improvements as may be determined excess of four lock and dam projects on the Ohio River in the State of West Virginia and designated as, number 16 (Willow Island Pool) in Tyler County, numbers 19 and 20 (Belleville Pool) in Wood County, and number 21 (Racine Pool) in Jackson County. The exact descriptions and acreage to be determined by the Secretary by accurate surveys, the cost of which is to be borne by the State of West Virginia.

(c) The conveyance authorized herein shall provide that said property shall be used only for public park and recreation purposes and such other uses directly related to the programs of the West Virginia Department of Natural Resources, and if it ever ceases to be used for such purposes, title to said property shall immediately revert to the United States. Any deed of conveyance shall also be subject to and include the following additional terms and conditions:

(1) The State of West Virginia shall pay the United States as consideration for the conveyance 50 per centum of the current fair market value of the property as determined by the Secretary of the Army.

(2) There shall be reserved to the United States such flowage easements and rights-of-way for roads and utility lines as the Secretary determines may be required for other navigation projects.

(3) Such other restrictions, terms, and conditions as the Secretary deems necessary to protect the interests of the United States.

(d) Any moneys paid for the conveyances referred to herein shall be covered into the United States Treasury as miscellaneous receipts.

SEC. 105. (a) That the Secretary of the Army shall convey, without monetary consideration, to the city of Buffalo, New York, all right, title, and interest of the United States in and to certain real property underlying Lake Erie containing approximately 46.01 acres and more particularly described in subsection (b) of this section, on condition that such real property be used for public park and recreational development purposes and if such property shall ever cease to be used for such purposes, title thereto shall revert to the United States.

State of West
Virginia.
Conveyance.

Use of
property.

Terms and
conditions.

Buffalo, N. Y.
Conveyance.

(b) The real property referred to in this section is more particularly described as follows:

(1) PARCEL E.—Beginning at the point of intersection of the south line of outer lot 39 prolonged and the shoreline of Lake Erie as established in 1846, which point bears south 68 degrees 28 minutes west, a distance of 140 feet, more or less, from United States Monument numbered 7, which monument is the southeasterly corner of the said outer lot 39;

thence southwesterly at right angles with the established harbor line 1,140 feet, more or less, to the said harbor line;

thence northwesterly along said harbor line, 1,310 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and a line 330 feet northerly at right angles from and parallel with the south line of outer lot 36;

thence northeasterly at right angles with said harbor line 1,115 feet, more or less, to the shoreline of Lake Erie in 1846;

thence southeasterly along said shoreline of Lake Erie 1,320 feet, more or less, to the point of beginning containing 34.04 acres, more or less.

(2) PARCEL C-B.—Beginning at the point of intersection of the shoreline of Lake Erie with the northerly line of land deeded to the United States Government, October 21, 1846, said line also extending in a due east and west direction and passing through the northwest corner of outer lot 36 (United States Monument No. 2), said point of beginning being also 480 feet, more or less, west of the said northwest corner of outer lot 36;

thence southeasterly along said shoreline of Lake Erie in 1846 a distance of 470 feet, more or less, to the intersection with a line 330 feet northerly at right angles from and parallel with the south line of lot 36, said line being also the north line of lands deeded to the United States Government, September 25, 1847;

thence southwesterly at right angles to established harbor line 1,115 feet, more or less, to the established harbor line;

thence northwesterly along said harbor line 465 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and the line extending in a due east and west direction and passing through the northwest corner of outer lot 36;

thence easterly at right angles to established harbor line 1,115 feet, more or less, to the shoreline of Lake Erie in 1846, which is the above referenced point of beginning, containing 11.97 acres, more or less.

(c) Any deed of conveyance made pursuant to this section shall reserve to the United States, for a period not to exceed seven years, the right to use such lands for a spoil disposal area for materials dredged from the Buffalo Harbor Project, including the right to place structures thereon and to perform all other actions incident to such use, together with the rights of ingress and egress thereto. Such deed shall contain such additional terms and conditions as may be determined by the Secretary of the Army to be necessary to protect the interest of the United States.

U. S. coastal
areas, study
and appraisal.

SEC. 106. (a) The Chief of Engineers, Department of the Army, under the direction of the Secretary of the Army, shall make an appraisal investigation and study, including a review of any previous relevant studies and reports, of the Atlantic, Gulf, and Pacific coasts of the United States, the coasts of Puerto Rico and the Virgin Islands and the shorelines of the Great Lakes, including estuaries and bays thereof, for the purpose of (1) determining areas along such coasts

and shorelines where significant erosion occurs; (2) identifying those areas where erosion presents a serious problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, agricultural, navigational, demographic, ecological, and other relevant factors, indicates that action to halt such erosion may be justified; (3) describing generally the most suitable type of remedial action for those areas that have a serious erosion problem; (4) providing preliminary cost estimates for such remedial action; (5) recommending priorities among the serious problem areas for action to stop erosion; (6) providing State and local authorities with information and recommendations to assist the creation and implementation of State and local coast and shoreline erosion programs; (7) developing recommended guidelines for land use regulation in coastal areas taking into consideration all relevant factors; and (8) identifying coastal areas where title uncertainty exists. The Secretary of the Army shall submit to the Congress as soon as practicable, but not later than three years after the date of enactment of this Act, the results of such appraisal investigation and study, together with his recommendations. The views of concerned local, State, and Federal authorities and interests will be taken into account in making such appraisal investigation and study.

Report to
Congress.

(b) There are authorized to be appropriated such amounts, not to exceed \$1,000,000, as may be necessary to carry out the provisions of this section.

Appropriation.

SEC. 107. That the projects for the Illinois Waterway and Grand Calumet River, Illinois and Indiana (Calumet-Sag navigation project), authorized by the River and Harbor Act of July 24, 1946, are hereby modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 45, Eighty-fifth Congress, insofar as such recommendations apply to existing highway bridges in Part II: Grand Calumet River and Indiana Harbor Canal, at an estimated cost of \$33,265,000.

60 Stat. 634.

SEC. 108. (a) Steele Bayou, in Warren, Issaquena, Sharkey, and Washington Counties, Mississippi, Washington Bayou, in Issaquena and Washington Counties, Mississippi, and Lake Washington, in Washington County, Mississippi, are hereby declared to be nonnavigable within the meaning of the laws of the United States.

(b) The project for navigation on Steele Bayou, Washington Bayou, and Lake Washington, authorized by the Rivers and Harbors Acts of July 5, 1884, August 5, 1886, and June 25, 1910, is hereby deauthorized.

23 Stat. 133;
24 Stat. 310;
36 Stat. 630.

SEC. 109. Section 313 of the Act approved October 27, 1965 (79 Stat. 1073), is amended by deleting the date "June 30, 1968" and substituting in lieu thereof "June 30, 1969".

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Ouachita and Black Rivers navigation projects, authorized by the River and Harbor Act of 1950, as amended, with particular reference to Federal and non-Federal cost sharing, and he shall report the findings of such review to Congress within one year after the date of enactment of this Act.

Ouachita and
Black Rivers.

64 Stat. 163.

Report to
Congress.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and construct projects for the prevention or mitigation of shore damages attributable to Federal navigation works. The cost of installing, operating, and maintaining such projects shall be borne entirely by the United States. No such project shall be constructed without specific authorization by Congress if the estimated first cost exceeds \$1,000,000.

Shore damage
prevention,
study.

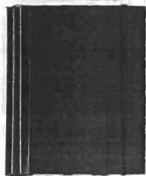
SEC. 112. Section 111 of the River and Harbor Act of 1966 (80 Stat. 1417) is amended by adding at the end thereof the following:

Washington
Channel, D. C.
Study.

(g) The Secretary of the Interior shall conduct a study of those areas in the vicinity of the Washington Channel in the District of

Report to President and Congress.

East and Hudson Rivers, N. Y.



Northern Embarcadero area, San Francisco, Calif.

Patapsco River, Md.

Columbia suitable for public visitor parking facilities. Such study shall, among others, consider existing and future visitation, multiple and alternative areas, methods for providing such facilities, and estimated costs and revenues to be derived therefrom. Not later than one hundred and eighty days after the date funds are appropriated to carry out such study, the Secretary shall submit to the President and Congress a report thereon together with his recommendations, including necessary legislation, if any. There is authorized to be appropriated not to exceed \$100,000 to carry out this subsection."

SEC. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States Pierhead Line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Robert F. Wagner, Senior Place extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled. Plans for bulkheading and filling shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

SEC. 114. That portion of the Northern Embarcadero area, beginning at the intersection of the northwesterly line of Bryant Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Authority; following thence westerly and northerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Van Ness Avenue produced northerly; thence northerly along said easterly line of Van Ness Avenue produced to its intersection with the United States Government pier-head line; thence following said pier-head line easterly and southerly to its intersection with the northwesterly line of Bryant Street produced northeasterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning, is hereby declared to be nonnavigable waters within the meaning of the laws of the United States, and the consent of Congress is hereby given for the filling in of all or any part of the described area. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

SEC. 115. That portion of the Northwest Branch of the Patapsco River located generally south of Pratt Street, east of Light Street, north of Key Highway, in the city of Baltimore, State of Maryland, and being more particularly described as all of that portion of the Northwest Branch of the Patapsco River lying west of a series of lines beginning at the point formed by the intersection of the south side of Pratt Street, as now laid out, and the west side of Pier 3 and running thence binding on the west side of Pier 3, south 04 degrees 19 minutes 47 seconds east 726.59 feet to the southwest corner of Pier 4, thence crossing the Northwest Branch of the Patapsco River, south-

23 degrees 01 minutes 15 seconds west 855.36 feet to the point formed by the intersection of the existing pierhead and bulkhead line and the ^{east} side of Battery Avenue, last said point of intersection being the ^{end} of the first line of the fourth parcel of land conveyed by J. and F. Realty, Incorporated to Allegheny Pepsi-Cola Bottling Company by deed dated December 22, 1965, and recorded among the Land Record of Baltimore City in Liber J. F. C. numbered 2006 folio 345, the location of said pierhead and bulkhead line is based upon the Corps of Engineers, Baltimore District, Baltimore, Maryland, coordinate value for station LIV of said pierhead and bulkhead line, the coordinate value as referred to the Lambert grid plane coordinate system for the State of Maryland of said station LIV being east 2,111,161.40, north 527,709.27 and thence binding on the east side of Battery Avenue, south 03 degrees 09 minutes 07 seconds east 568 feet, more or less, to intersect the north side of Key Highway as now laid out and located is hereby declared to be not a navigable stream of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given for the filling in of all or any part of the described area.

SEC. 116. (a) The Secretary of the Army is authorized and directed to remove from the Potomac River and to destroy the abandoned ships, ships' hulls, and pilings, located in Mallow's Bay, between Sandy Point and Liverpool Point, Charles County, Maryland, and at Wide Water, south of Quantico, Virginia, and any other abandoned ships formerly among those in Mallow's Bay or at Wide Water which have drifted from those locations. Local interests shall contribute 50 percent of the cost of such work.

Potomac River.
Abandoned ships,
etc.

(b) There is authorized to carry out this section, not to exceed \$175,000.

Appropriation.

SEC. 117. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to maintain authorized river and harbor projects in excess of authorized project depths where such excess depths have been provided by the United States for defense purposes and whenever the Chief of Engineers determines that such waterways also serve essential needs of general commerce.

SEC. 118. (a) Section 5 of the Act entitled "An Act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, at or near Fulton, Illinois", approved December 21, 1944, as revised, amended, and reenacted, is hereby amended by inserting "(a)" immediately after "Sec. 5." and by adding at the end of such section the following new subsection:

Bridge at
Clinton, Iowa
and Fulton, Ill.

58 Stat. 846;
72 Stat. 851.

"(b) In addition to the method of payment provided in subsection (a) of this section, the commission and its successors and assigns are hereby authorized to provide for the payment of the cost of dismantling one bridge and of constructing as a replacement therefor a new bridge (including necessary approaches and approach highways) either entirely from a construction fund created in accordance with section 6 of this Act or from both such construction fund and from bonds issued and sold in accordance with subsection (a) of this section. The cost of any bridge constructed under this subsection (together with approaches and approach highways) shall include all costs and expenses included in the case of a bridge constructed under authority of subsection (a) of this section (including its approaches and approach highways)."

(b) The first sentence of section 6 of such Act of December 21, 1944, is amended by striking out the period at the end thereof and inserting

in lieu thereof a comma and the following: "and, if the Commission determines it advisable to do so, to provide a construction fund specifically to pay the cost of dismantling one bridge and constructing a new bridge to replace it as authorized by subsection (b) of section 5 of this Act."

(c) Section 6 of such Act of December 21, 1944, is further amended by adding immediately following the third sentence of such section the following new sentence: "If no bonds or notes are outstanding or if a sinking fund specifically for payment of all outstanding bonds and notes shall have been provided, the remainder of such tolls may, if the Commission determines it advisable to do so, be placed in a construction fund for use in accordance with subsection (b) of section 5 of this Act."

(d) The first sentence of subsection (a) of section 8 of such Act of December 21, 1944, is amended by inserting immediately after "solely for that purpose," the following: "and after any bridge constructed under authority of section 5(b) of this Act shall have been paid for, or sufficient funds are available in the construction fund authorized by section 6 to pay for such bridge,".

(e) The amendments made by this section shall be inapplicable insofar as they authorize the construction of a bridge or bridges unless actual construction thereof is commenced within five years from the date of enactment of this section and such construction is completed by January 1, 1980.

Surveys.

SEC. 119. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

64 Stat. 168.

Back River, Maryland, from Chesapeake Bay to the city of Baltimore's waste water treatment plants.

Savannah and Tennessee Rivers, with a view to determining the advisability of providing a waterway connecting the rivers, canals and appurtenant facilities and a waterway connecting Charleston and Port Royal, South Carolina, with the lower Savannah River.

Lake Superior, with a view to determining the advisability of a waterway connecting the lake and the Mississippi River.

SEC. 120. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make studies of:

Streambank erosion, etc.

(1) The nature and scope of the damages which result from streambank erosion throughout the United States, with a view toward determining the need for, and the feasibility of, a coordinated program of streambank protection in the interests of reducing damages from the deposition of sediment in reservoirs and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion.

(2) The need for and the feasibility of a program for the removal and disposal of drift and other debris, including abandoned vessels, from public harbors and associated channels under the jurisdiction of the Department of the Army.

Report to Congress.

(b) The Secretary shall report to Congress, not later than one year after the date of enactment of this Act, the results of such studies together with his recommendations in connection therewith, including an appropriate division of responsibility between Federal and non-Federal interests.

Citation of title.

SEC. 121. Title I of this Act may be cited as the "River and Harbor Act of 1968".

TITLE II—FLOOD CONTROL

Flood Control
Act of 1968.

SEC. 201. 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, except as otherwise provided by law. The authorization for any flood control project herein authorized by this Act requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the Secretary of the Army or his designee 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.
33 USC 701c.
52 Stat. 1215.
33 USC 701c-1.

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.

58 Stat. 887.
33 USC 701-1.

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 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. The necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this title with funds from appropriations hereafter made for flood control so as to be ready for rapid inauguration of a construction program. The projects authorized in this title shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements. 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.

LOWER CHARLES RIVER, MASSACHUSETTS

The project for flood control on the Lower Charles River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 370, Ninetieth Congress, at an estimated cost of \$18,620,000.

CONNECTICUT RIVER BASIN

The project for the Beaver Brook Dam and Reservoir, Beaver Brook, New Hampshire, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 68, Ninetieth Congress, at an estimated cost of \$1,185,000.

The project for flood protection on Park River, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 43, Ninetieth Congress, at an estimated cost of \$30,300,000.



LONG ISLAND SOUND

The project for flood protection on Norwalk River, Connecticut and New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 51, Ninetieth Congress, at an estimated cost of \$2,700,000.

DELAWARE-ATLANTIC COASTAL AREA

The project for hurricane-flood protection and beach erosion control along the Delaware Coast from Cape Henlopen to Fenwick Island, at the Delaware-Maryland State Line is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in Senate Document Numbered 90, Ninetieth Congress, at an estimated cost of \$5,584,000.

RAPPAHANNOCK RIVER BASIN

The project for the Salem Church Dam and Reservoir Rappahannock River, Virginia, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 37, Ninetieth Congress, at an estimated cost of \$79,500,000.

CAPE FEAR RIVER BASIN

The project for the Randleman Dam and Reservoir, Deep River, North Carolina, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 343, Ninetieth Congress, at an estimated cost of \$19,463,000.

The project for the Howards Mill Dam and Reservoir, Deep River, North Carolina, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 343, Ninetieth Congress, at an estimated cost of \$12,460,000.

SOUTH ATLANTIC COASTAL AREA

The project for beach erosion control and hurricane flood protection of Dade County, Florida, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 335, Ninetieth Congress, at an estimated cost of \$11,805,000.

HILLSBOROUGH BAY, FLORIDA

The project for hurricane-flood control protection on Hillsborough Bay, Florida, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 313, Ninetieth Congress, at an estimated cost of \$9,909,000, except that construction of the barrier across Hillsborough Bay shall not be undertaken until the Chief of Engineers completes further detailed studies covering related water resource problems, including a comprehensive model study of the entire Tampa Bay area, and until sixty days after the date of submission of a report on such studies to the Committees on Public Works of the Senate and House of Representatives.

CENTRAL AND SOUTHERN FLORIDA

The project for Central and Southern Florida, authorized by the Flood Control Act of June 30, 1948, is further modified in accordance with the recommendations of the Chief of Engineers in Senate Docu-

ment Numbered 101, Ninetieth Congress, at an estimated cost of \$8,072,000, and in accordance with House Document Numbered 369, Ninetieth Congress, at an estimated cost of \$58,182,000.

PASCAGOULA RIVER BASIN

The project for the Tallahala Creek Dam and Reservoir, Tallahala Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 143, Ninetieth Congress, at an estimated cost of \$16,360,000.

LOWER MISSISSIPPI RIVER BASIN

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:

(1) The project for the St. Francis River Basin, Arkansas and Missouri, authorized by the Flood Control Act approved June 15, 1936 (Public Law 74-678), as modified by subsequent Acts of Congress, including the Flood Control Act of 1965. Public Law 89-298 is hereby further modified to provide that the requirements of local cooperation for the improvements authorized in the Flood Control Act of 1965, shall conform to those requirements for local cooperation in the Saint Francis River Basin authorized in previous Acts of Congress, substantially as recommended by the Chief of Engineers in Senate Document Numbered 11, Ninetieth Congress.

(2) Improvements in the Boeuf and Tensas Rivers and Bayou Macon Basin to divert flows that would otherwise enter Lake Chicot, Arkansas, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 168, Ninetieth Congress, at an estimated cost of \$15,240,000, except that prior to initiation of construction of the project, local interests shall agree that no fees shall be charged for admission to Lake Chicot and to public recreation areas adjoining Lake Chicot and that user fees at such lake and areas shall be devoted to recreation purposes.

(3) Improvements in the Belle Fountain ditch and tributaries, Missouri, and Drainage District Number 17, Arkansas, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 339, Ninetieth Congress, at an estimated cost of \$4,638,000.

WHITE RIVER BASIN

The project for flood protection on Crooked Creek at and in the vicinity of Harrison, Arkansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 28, Ninetieth Congress, at an estimated cost of \$2,840,000.

BRAZOS RIVER BASIN

The project for the Aquilla Dam and Reservoir, Aquilla Creek, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 52, Ninetieth Congress, at an estimated cost of \$23,612,000.

NAVASOTA RIVER BASIN

The project for the Navasota River, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 341, Ninetieth Congress, at an estimated cost of \$119,707,000.

Project modification.

33 USC 702a-702m.

49 Stat. 1508.
79 Stat. 1073.

CLEAR CREEK, TEXAS

The project for flood protection on Clear Creek, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 351, Ninetieth Congress, at an estimated cost of \$12,600,000.

PECAN BAYOU, TEXAS

The project for flood protection on Pecan Bayou, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 350, Ninetieth Congress, at an estimated cost of \$24,861,000.

GULF OF MEXICO

The project for hurricane-flood control at Texas City and vicinity, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 187, Ninetieth Congress, at an estimated cost of \$10,990,000.

UPPER MISSISSIPPI RIVER BASIN

The project for flood protection on the Mississippi River from Cassville, Wisconsin, to mile 300, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 348, Ninetieth Congress, at an estimated cost of \$21,300,000.

The project for flood protection of State Road and Ebner Coulees, city of La Crosse and Shelby Township, Wisconsin, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 360, Ninetieth Congress, at an estimated cost of \$6,849,000.

RED RIVER OF THE NORTH

The project for flood protection on the South Branch of the Wild Rice River and Felton Ditch, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 98, Ninetieth Congress, at an estimated cost of \$1,230,000.

OHIO RIVER BASIN

The project for flood protection on the Ohio River in Southwestern Jefferson County, Kentucky, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 340, Ninetieth Congress, at an estimated cost of \$19,800,000.

The project for the Utica Dam and Reservoir and flood protection at Newark, Licking River Basin, Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 337, Ninetieth Congress, at an estimated cost of \$32,953,000.

WABASH RIVER BASIN

The project for flood control and related purposes in the Wabash River Basin, Indiana, Illinois, and Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 96, Ninetieth Congress, at

the Big Walnut Dam and Reservoir is authorized substantially in accordance with the plan for such project set forth in the report of the Chief of Engineers in said document. There is hereby authorized to be appropriated the sum of \$50,000,000, for initiation and partial accomplishment of the project, except that construction of the Big Walnut Dam and Reservoir shall not be initiated until approved by the President. Appropriation.

MISSOURI RIVER BASIN

The project for the Bear Creek Dam and Reservoir, South Platte River, Colorado, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 87, Ninetieth Congress, at an estimated cost of \$32,314,000. South Platte River, Colo.

The project for flood protection on the Big Sioux River at and in the vicinity of Sioux City, Iowa and South Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 94, Ninetieth Congress, at an estimated cost of \$2,750,000. With respect to that portion of the project above Sioux City, Iowa, approved in accordance with House Document Numbered 199, Eighty-eighth Congress, in the Flood Control Act of 1965 (Public Law 89-298), there shall be mutual agreement between the States of Iowa and South Dakota on a flood control plan and a plan for mitigation of fish and wildlife losses with respect to said portion within six months following completion of the reservoir study for the upper basin of the Big Sioux River and the Rock River now underway and receipt of copies of said report by the Governors of the States of Iowa and South Dakota. If said mutual agreement is not reached within said time, approval of said flood control plan and plan for mitigation of fish and wildlife losses shall be made by a committee consisting of one representative each appointed by the Chief of Engineers, the Secretary of the Interior, and the Secretary of Agriculture. Big Sioux River, S. Dak. 79 Stat. 1073.

The project for flood protection and other purposes in the Papillion Creek Basin, Nebraska, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 349, Ninetieth Congress, at an estimated cost of \$26,800,000. Papillion Creek Basin, Nebr.

The project for the Davids Creek Dam and Reservoir, Nishnabotna River, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 142, Ninetieth Congress, at an estimated cost of \$2,040,000. Nishnabotna River, Iowa.

The project for flood control and other purposes on the Little Blue River in the vicinity of Kansas City, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 169, Ninetieth Congress, at an estimated cost of \$38,492,000.

The second paragraph under the heading "Missouri River Basin" of the Act entitled "An Act authorizing additional appropriations for the prosecution of comprehensive plans for certain river basins", approved December 30, 1963 (77 Stat. 840), is hereby amended to read as follows:

"The comprehensive plan for flood control and other purposes in the Missouri River Basin, authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to include such bank protection or rectification works at or below the Garrison Reservoir as in the discretion of the Chief of Engineers and the Secretary of the Army may be found necessary, at an estimated cost of \$7,040,000." 52 Stat. 1218. 33 USC 701b etc.

JORDAN RIVER BASIN

The project for the Little Dell Dam and Reservoir, Salt Lake City Streams, Utah, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 53, Ninetieth Congress, at an estimated cost of \$22,664,000.

SACRAMENTO RIVER BASIN

The project for flood protection on the Feather River at Chester, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 314, Ninetieth Congress, at an estimated cost of \$940,000.

SANTA ANA RIVER BASIN

The project for flood protection, and other purposes on Cucamonga Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 323, Ninetieth Congress, at an estimated cost of \$26,300,000.

SAN FRANCISCO BAY AREA

The project for flood control on Alhambra Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 336, Ninetieth Congress, at an estimated cost of \$8,000,000.

MAD RIVER, CALIFORNIA

The project for flood control on the Mad River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 359, Ninetieth Congress, at an estimated cost of \$38,600,000.

SWEETWATER RIVER BASIN

The project for flood control on the Sweetwater River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 148, Ninetieth Congress, at an estimated cost of \$4,900,000.

TANANA RIVER BASIN

The project for flood control in the Tanana River Basin in the vicinity of Fairbanks, Alaska, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 89, Ninetieth Congress, at an estimated cost of \$111,700,000.

IAO STREAM, HAWAII

The project for flood protection and other purposes on Iao Stream, Hawaii, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 151, Ninetieth Congress, at an estimated cost of \$1,660,000.

SEC. 204. The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide such school facilities as he may deem necessary for the education of dependents of persons engaged in the construction of the Dworshak Dam and Reservoir project, Idaho and to pay for the same from any funds available for such project.

When he determines it to be in the public interest, the Secretary, acting through the Chief of Engineers, may enter into cooperative arrangements with local and Federal agencies for the operation of such Government facilities, for the expansion of local facilities at Federal expense, and for contributions by the Federal Government to cover the increased cost to local agencies of providing the educational services required by the Government.

SEC. 205. The project for flood protection at Ironton, Ohio, authorized by the Flood Control Act of August 28, 1937, is hereby modified so as to provide for the installation by the Secretary of the Army, acting through the Chief of Engineers, of aluminum closure structures at gates numbered 10, 17, and 18, located at Second and Orchard Streets, Second Street west of Storms Creek, and Second and Ellison Streets, respectively, at an estimated cost of \$58,000.

Ironton, Ohio.
50 Stat. 876.

SEC. 206. That, notwithstanding the first proviso in section 201 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes", approved July 3, 1958 (72 Stat. 305), the authorization in section 203 of such Act of projects for local protection on the Weber River, Utah shall expire on April 16, 1972, unless local interests shall before such date furnish assurances satisfactory to the Secretary of the Army that the required local cooperation in such project will be furnished.

Weber River,
Utah.

SEC. 207. That, notwithstanding the first proviso in section 201 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes", approved July 3, 1958 (72 Stat. 305), the authorization in section 203 of such Act of projects for local protection on the Pecos River at Carlsbad, New Mexico, shall expire on May 19, 1972, unless local interests shall before such date furnish assurances satisfactory to the Secretary of the Army that the required local cooperation in such project will be furnished.

Pecos River,
N. Mex.

SEC. 208. The project for flood protection on the Gila River below Painted Rock Reservoir, Arizona, authorized by the Flood Control Act of 1962 (76 Stat. 1180, 1190), substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 116, Eighty-seventh Congress, is hereby modified to provide that local cooperation shall consist of the requirements that, prior to construction, local interests give assurances satisfactory to the Secretary of the Army that they will: (1) make a cash contribution of \$700,000, to be paid either in a lump sum prior to initiation of construction or in installments prior to the start of pertinent work items in accordance with construction schedules, as determined by the Chief of Engineers, except that the reasonable value, as determined by the Chief of Engineers, of any lands, easements, rights-of-way, and relocations, furnished by the local interests shall be deducted from the required cash contribution; (2) hold and save the United States free from damages due to the construction works; (3) maintain and operate all works after completion in accordance with regulations prescribed by the Secretary of the Army.

Gila River,
Ariz.

SEC. 209. (a) Whenever any State, or any agency or instrumentality of a State or local government, or any nonprofit incorporated body organized or chartered under the law of the State in which it is located, or any nonprofit association or combination of such bodies, agencies or instrumentalities, shall undertake to secure any lands or interests therein as a site for the resettlement of families, individuals, and business concerns displaced by a river and harbor improvement, flood control or other water resource project duly authorized by Congress, and when it has been determined by the Secretary

Acquisition
of land for
resettlement.

of the Army that the State is unable to acquire necessary lands or interests in lands or is unable to acquire such lands or interests in lands with sufficient promptness, the Secretary, upon the request of the Governor of the State in which such site is located, and after consultation with appropriate Federal, State, interstate, regional, and local departments and agencies, is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931 (46 Stat. 1421)). All expenses of said acquisition and any award that may be made under a condemnation proceeding, including costs of examination and abstract of title, certificate of title, appraisal, advertising, and any fees incident to acquisition, shall be paid by such State or body, agency, or instrumentality. The State, agency, instrumentality, or nonprofit body may repay such amounts from any funds made available to it for such purposes by any Federal department, agency, or instrumentality (other than the Department of the Army) having authority to make funds available for such a purpose. Pending such payment, the Secretary may expend from any funds hereafter appropriated for the project occasioning such acquisition such sums as may be necessary to carry out this section. To secure payment, the Secretary may require any such State or agency, body, or instrumentality to execute a proper bond in such amount as he may deem necessary before acquisition is commenced. Any sums paid to the Secretary by any such State or agency, body or instrumentality shall be deposited in the Treasury to the credit of the appropriation for such project.

40 USC 258a-258e.
 Condemnation expenses.

Bond.

Acquisition provisions.

(b) No acquisition shall be undertaken under the authority of this section unless the Secretary has determined, after consultation with appropriate Federal, State, and local governmental agencies that (1) the development of a site is necessary in order to alleviate hardships to displaced persons; (2) the location of the site is suitable for development in relation to present or potential sources of employment; and (3) a plan for development of the site has been approved by appropriate local governmental authorities in the area or community in which such site is located.

Conveyance to State, public or private nonprofit body.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any lands or interests in land acquired in any State under the provisions of this section, to the State, or such public or private nonprofit body, agency, or institution in the State as the Governor may prescribe, upon such terms and conditions as may be agreed upon by the Secretary, the Governor, and the agency to which the conveyance is to be made.

Entrance or admission fees.

SEC. 210. No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army. User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervision of the facilities, and shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

Wabash River Basin, Ill.-Ind.
 60 Stat. 652.

SEC. 211. The Mason J. Niblack levee feature of the project for flood control in the Wabash River Basin, Illinois and Indiana, authorized by the Flood Control Act approved July 24, 1946, is hereby modified to provide for the installation by the Secretary of the Army, acting

through the Chief of Engineers, and operation and maintenance by local interests, of pumping facilities to remove ponded interior drainage from the area protected by the levee, at an estimated cost of \$500,000.

SEC. 212. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend Contract Numbered DA-45-108-CIVENG-66-68, between the United States and the Montana State Highway Commission for the relocation of Montana State Highway 37 in connection with the construction of the Libby Dam project, so as to provide that the design standards for the relocation shall be those adopted by the State of Montana pursuant to the provisions of the Highway Safety Act of 1966 (80 Stat. 731).

Montana State
Highway 37.

SEC. 213. 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 further modified to provide pumping plants and other drainage facilities in Cairo, Illinois, and vicinity, to the extent found economically justified by the Chief of Engineers, subject to the conditions that local interests (1) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the work; (2) hold and save the United States free from damages due to the construction work; and (3) maintain and operate all works after completion.

23 USC 401
note.
Lower Mississippi
River.
33 USC 702a.

SEC. 214. The project for the Sanders Creek Red River Basin, Texas, is hereby modified to provide for the acquisition of additional privately owned lands aggregating approximately seven hundred and fifty acres located within the boundaries of former Camp Maxey, Lamar County, Texas, for the purpose of consolidating Federal ownership of areas as may be needed for wildlife purposes in connection with the Pat Mayse Dam and Reservoir project, and to facilitate the establishment of a wildlife refuge or wildlife management area. The lands so acquired will be made available to the Secretary of the Interior or to the State of Texas in accordance with established administrative procedures pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). The acquisition of such lands may be deferred until such time as assurances are given, satisfactory to the Chief of Engineers, that a wildlife refuge or wildlife management area will be established.

Sanders Creek
Red River Basin,
Texas.

60 Stat. 1080;
72 Stat. 563.

SEC. 215. (a) The Secretary of the Army, acting through the Chief of Engineers, may, when he determines it to be in the public interest, enter into agreements providing for reimbursement to States or political subdivisions thereof for work to be performed by such non-Federal public bodies at water resources development projects authorized for construction under the Secretary of the Army and the supervision of the Chief of Engineers. Such agreements may provide for reimbursement of installation costs incurred by such entities or an equivalent reduction in the contributions they would otherwise be required to make, or in appropriate cases, for a combination thereof. The amount of Federal reimbursement, including reductions in contributions, for a single project shall not exceed \$1,000,000.

Reimbursement
to States, etc.

(b) Agreements entered into pursuant to this section shall (1) fully describe the work to be accomplished by the non-Federal public body, and be accompanied by an engineering plan if necessary therefor; (2) specify the manner in which such work shall be carried out; (3) provide for necessary review of design and plans, and inspection of the work by the Chief of Engineers or his designee; (4) state the basis on which the amount of reimbursement shall be determined; (5) state that such reimbursement shall be dependent upon the appropriation of funds applicable thereto or funds available therefor, and shall not take precedence over other pending projects of higher priority for improvements; and (6) specify that reimbursement or credit for non-

Agreement
provisions.

Federal installation expenditures shall apply only to work undertaken on Federal projects after project authorization and execution of the agreement, and does not apply retroactively to past non-Federal work. Each such agreement shall expire three years after the date on which it is executed if the work to be undertaken by the non-Federal public body has not commenced before the expiration of that period. The time allowed for completion of the work will be determined by the Secretary of the Army, acting through the Chief of Engineers, and stated in the agreement.

(c) No reimbursement shall be made, and no expenditure shall be credited, pursuant to this section, unless and until the Chief of Engineers or his designee, has certified that the work for which reimbursement or credit is requested has been performed in accordance with the agreement.

(d) Reimbursement for work commenced by non-Federal public bodies no later than one year after enactment of this section, to carry out or assist in carrying out projects for beach erosion control, may be made in accordance with the provisions of section 2 of the Act of August 13, 1946, as amended (33 U.S.C. 426f). Reimbursement for such work may, as an alternative, be made in accordance with the provisions of this section, provided that agreement required herein shall have been executed prior to commencement of the work. Expenditures for projects for beach erosion control commenced by non-Federal public bodies subsequent to one year after enactment of this section may be reimbursed by the Secretary of the Army, acting through the Chief of Engineers, only in accordance with the provisions of this section.

(e) This section shall not be construed (1) as authorizing the United States to assume any responsibilities placed upon a non-Federal body by the conditions of project authorization, or (2) as committing the United States to reimburse non-Federal interests if the Federal project is not undertaken or is modified so as to make the work performed by the non-Federal Public body no longer applicable.

(f) The Secretary of the Army is authorized to allot from any appropriations hereafter made for civil works, not to exceed \$10,000,000 for any one fiscal year to carry out the provisions of this section. This limitation does not include specific project authorizations providing for reimbursement.

SEC. 216. (a) The Secretary of the Army shall, without monetary consideration, extend until October 1, 1964, the rights described in this section which were reserved until July 1, 1964, to any former owner (including his heirs, administrators, executors, successors, and assigns) of the subsurface estate of any real property acquired by the United States in connection with the construction of the Carlyle Reservoir project on the Kaskaskia River, Illinois. The reserved rights referred to in this section are more particularly described as the reservation of all oil, gas, and other minerals of like fugacious character, together with rights necessary for the purpose of exploration, development, production, and removal thereof within the Boulder Oil Field, and restricted to section 2, township 2 north, range 2 west, and sections 34, 35, and 36 in township 3 north, range 2 west, Clinton County, Illinois.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such persons designated by the Secretary of the Army, whose rights are authorized to be extended by subsection (a) of this section, the amount of money determined by the Secretary of the Army to represent their respective interests in royalty payments received by the United States for the authorized three-month extended period. The total payments so made shall not exceed the sum of \$6,401.16.

76 Stat. 1178.

Appropriation.

Carlyle Reservoir, Kaskaskia River, Ill.

SEC. 217. (a) No provision of law heretofore or hereafter enacted which limits the number of persons who may be appointed as full-time civilian employees, or temporary and part-time employees, in the executive branch of the Government shall apply to employees of the Tennessee Valley Authority engaged in its power program and paid exclusively from other than appropriated funds. In applying any such provision of law to other departments and agencies in the executive branch, the number of such employees of the Tennessee Valley Authority shall not be taken into account.

TVA.
Power program
employees.

(b) No provision of law that seeks to limit expenditures and net lending during the fiscal year ending on June 30, 1969, under the Budget of the United States Government, shall apply to expenditures by the Tennessee Valley Authority out of the proceeds from its power operations, from the sale of any power program assets, or from power revenue bonds, notes, or other evidences of indebtedness.

SEC. 218. The Chief of Engineers is directed to review the project for the Devils Jumps Dam and Reservoir, Big South Fork of the Cumberland River, Kentucky and Tennessee, and report to the Congress not later than December 31, 1969, on the feasibility of such project for the purposes of House Document Numbered 175, Eighty-seventh Congress. The Chief of Engineers, the Secretary of the Interior and the Secretary of Agriculture shall review and prepare such alternative plans as they may determine feasible and appropriate for the use of the Big South Fork of the Cumberland River and its tributaries in Kentucky and Tennessee and necessary contiguous areas for recreational, conservation, or preservation uses of such area and report to the Congress not later than December 31, 1969. The construction of such project or any alternative project shall not be initiated until such reports have been made to and approved by the Congress. Such funds as may be necessary to carry out this section are hereby authorized.

Project review.
Report to
Congress.

SEC. 219. 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 localities specifically named in this section. After the regular or formal reports made on any survey authorized by this section 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.

Surveys.

Burnett, Crystal, and Scotts Bays and vicinity, Baytown, Texas, in the interest of flood control, drainage, and related water and land resources, including specifically the problems of general subsidence of the area and flood problems created thereby.

Linville Creek, Caney Creek and Tres Palacios, Texas, in the interest of flood control and related purposes.

Oso Creek, Texas, in the interest of flood control and related purposes.

Maddaket, Smith's Point and Broad Creek, Massachusetts, in the interest of flood control, hurricane protection, navigation and related purposes.

Streams at and in the vicinity of the Spring Mountain Youth Camp, Spring Mountain Range, Nevada, in the interest of flood control, bank erosion control, and allied purposes.

at
r

Virgin River, at and in the vicinity of Bunkerville, Mesquite, and Riverside, Nevada, in the interest of flood control, bank erosion control, and allied purposes.

Cuyahoga River from Upper Kent to Portage Trail in Cuyahoga Falls, Ohio, in the interest of flood control, pollution abatement, low flow regulation, and other allied water purposes.

Kalihi Stream, Honolulu, Oahu, Hawaii.

Citation of title.

SEC. 220. Title II of this Act may be cited as the "Flood Control Act of 1968".

TITLE III—RIVER BASIN MONETARY AUTHORIZATIONS

SEC. 301. That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below :

Basin	Act of Congress	Amount
Alabama-Coosa River.....	Mar. 2, 1945	\$29,000,000
Arkansas River.....	June 28, 1938	108,000,000
Brazos River.....	Sept. 3, 1954	2,000,000
Central and southern Florida.....	June 30, 1948	15,000,000
Columbia River.....	June 28, 1938	193,000,000
Missouri River.....	June 28, 1938	38,000,000
Ohio River.....	June 22, 1936	35,000,000
Ouachita River.....	May 17, 1950	10,000,000
San Joaquin River.....	Dec. 22, 1944	17,000,000
South Platte River.....	May 17, 1950	12,000,000
Upper Mississippi River.....	June 28, 1938	5,000,000
White River.....	June 28, 1938	2,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed \$466,000,000.

SEC. 302. In addition to the previous authorization, the completion of the system of flood control reservoirs on the West Branch Susquehanna River, Pennsylvania, authorized by the Flood Control Act of 1954, is hereby authorized at an estimated cost of \$3,000,000.

68 Stat. 1248.
33 USC 701-1
note-706.
Citation of title.

SEC. 303. Title III of this Act may be cited as the "River Basin Monetary Authorization Act of 1968".

Approved August 13, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1709 (Comm. on Public Works) and No. 1819 (Comm. of Conference).

SENATE REPORT No. 1342 (Comm. on Public Works).

CONGRESSIONAL RECORD, Vol. 114 (1968):

July 2: Considered and passed Senate.

July 15: Considered and passed House, amended.

July 31: House agreed to conference report.

Aug. 1: Senate agreed to conference report.