Public Law 85-500

AN ACT

July 3, 1958
[S. 3910]

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 1958.

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

Maine and Massachusetts.

Josias River, Maine: House Document Numbered 377, Eighty-fifth Congress, at an estimated cost of $258,400;

Salem Harbor, Massachusetts: House Document Numbered 31, Eighty-fifth Congress, at an estimated cost of $1,100,000;

Boston Harbor, Massachusetts: House Document Numbered 349, Eighty-fourth Congress, at an estimated cost of $720,000;

East Boat Basin, Cape Cod Canal, Massachusetts: House Document Numbered 168, Eighty-fifth Congress, at an estimated cost of $360,000;

Connecticut.

Bridgeport Harbor, Connecticut: House Document Numbered 136, Eighty-fifth Congress, at an estimated cost of $2,300,000;

New York.

New York Harbor, New York: Senate Document Numbered 45, Eighty-fourth Congress, at an estimated cost of $1,678,000;

Maryland.

Baltimore Harbor and Channels, Maryland: House Document Numbered 86, Eighty-fifth Congress, at an estimated cost of $28,161,000;

Herring Creek, Maryland: House Document Numbered 159, Eighty-fourth Congress, at an estimated cost of $110,000;

Betterton Harbor, Maryland: House Document Numbered 333, Eighty-fourth Congress, at an estimated cost of $78,000;

Delaware River anchorages.

Delaware River Anchorages: House Document Numbered 185, Eighty-fifth Congress, at an estimated cost of $24,447,000;

Virginia.

Hull Creek, Virginia: House Document Numbered 287, Eighty-fifth Congress, at an estimated cost of $269,800;

North Carolina.

Morehead City Harbor, North Carolina: Senate Document Numbered 54, Eighty-fourth Congress, at an estimated cost of $1,197,000;

Florida.

Intracoastal Waterway, Jacksonville to Miami, Florida: House Document Numbered 222, Eighty-fifth Congress, maintenance;

Port Everglades Harbor, Florida: House Document Numbered 346, Eighty-fifth Congress, at an estimated cost of $6,683,000;

Escambia River, Florida: House Document Numbered 75, Eighty-fifth Congress, at an estimated cost of $61,000;

Mississippi.

Gulfport Harbor, Mississippi: Senate Document Numbered 123, Eighty-fourth Congress, maintenance;

Louisiana.

Barataria Bay, Louisiana: House Document Numbered 82, Eighty-fifth Congress, at an estimated cost of $1,647,000;

Chefuncte River and Bogue Falia, Louisiana: Senate Document Numbered 54, Eighty-fifth Congress, at an estimated cost of $48,000;

Texas.

Pass Cavallo to Port Lavaca, Texas: House Document Numbered 131, Eighty-fourth Congress, at an estimated cost of $413,000;

Galveston Harbor and Houston Ship Channel, Texas: House Document Numbered 350, Eighty-fifth Congress, at an estimated cost of $17,196,000;

Matagorda Ship Channel, Port Lavaca, Texas: House Document Numbered 388, Eighty-fourth Congress, at an estimated cost of $9,944,000;

Port Aransas-Corpus Christi Waterway, Texas: House Document Numbered 361, Eighty-fifth Congress, at an estimated cost of $6,272,000;

Port Aransas-Corpus Christi Waterway, Texas, La Quinta Channel: Senate Document Numbered 33, Eighty-fifth Congress, at an estimated cost of $954,000;

Freeport Harbor, Texas: House Document Numbered 433, Eighty-fourth Congress, at an estimated cost of $317,000;

Mississippi River.

Mississippi River between Missouri River and Minneapolis, Minnesota, damage to levee and drainage districts: House Document Numbered 135, Eighty-fourth Congress, at an estimated cost of $2,476,000;

Illinois.

Mississippi River at Alton, Illinois, commercial harbor: House Document Numbered 136, Eighty-fourth Congress, at an estimated cost of $246,000;

Mississippi River at Alton, Illinois, small-boat harbor: House Document Numbered 136, Eighty-fourth Congress, at an estimated cost of $101,000;

Iowa.

Mississippi River at Clinton, Iowa, Beaver Slough: House Document Numbered 345, Eighty-fourth Congress, at an estimated cost of $241,000;

Mississippi River at Clinton, Iowa, report on damages: House Document Numbered 412, Eighty-fourth Congress, at an estimated cost of $147,000;

Missouri.

Mississippi River between Saint Louis, Missouri, and Lock and Dam Numbered 26: Senate Document Numbered 7, Eighty-fifth Congress, at an estimated cost of $5,802,000;

Minnesota.

Mississippi River between the Missouri River and Minneapolis, Minnesota: Modification of the existing project in the Mississippi River at Saint Anthony Falls, Minneapolis, Minnesota, House Document Numbered 33, Eighty-fifth Congress;

Minnesota River, Minnesota: Senate Document Numbered 144, Eighty-fourth Congress, at an estimated cost of $2,539,000: *Provided*, That the channel may be extended five-tenths of a mile upstream to mile 14.7 at an estimated additional cost of $5,000;

Ohio.

Vermilion Harbor, Ohio: House Document Numbered 231, Eighty-fifth Congress, at an estimated cost of $474,000;

Ohio River at Gallipolis, Ohio: House Document Numbered 423, Eighty-fourth Congress, at an estimated cost of $66,000;

Kentucky.

Licking River, Kentucky: House Document Numbered 434, Eighty-fourth Congress, maintenance;

Wisconsin.

Saxon Harbor, Wisconsin: House Document Numbered 169, Eighty-fifth Congress, at an estimated cost of $393,500;

Two Rivers Harbor, Wisconsin: House Document Numbered 362, Eighty-fourth Congress, at an estimated cost of $66,000;

Port Washington Harbor, Wisconsin: House Document Numbered 446, Eighty-third Congress, at an estimated Federal cost of $2,181,000: *Provided*, That local interests shall contribute 30 per cent of the total cost of the project;

Saint Joseph Harbor, Michigan: Senate Document Numbered 95, Eighty-fourth Congress, maintenance; Michigan.

Old Channel of Rouge River, Michigan: House Document Numbered 135, Eighty-fifth Congress, at an estimated cost of $101,500;

Cleveland Harbor, Ohio: House Document Numbered 107, Eighty-fifth Congress, at an estimated cost of $14,927,000; Ohio.

Toledo Harbor, Ohio: House Document Numbered 436, Eighty-fourth Congress, at an estimated cost of $859,000;

Irondequoit Bay, New York: House Document Numbered 332, Eighty-fourth Congress, at an estimated cost of $1,938,000; New York.

Santa Cruz Harbor, Santa Cruz, California: House Document Numbered 357, Eighty-fifth Congress, at an estimated cost of $1,612,000; California.

Yaquina Bay and Harbor, Oregon: Senate Document Numbered 8, Eighty-fifth Congress, at an estimated cost of $19,800,000; Oregon.

Siuslaw River, Oregon: House Document Numbered 204, Eighty-fifth Congress, at an estimated cost of $1,693,100;

Port Townsend Harbor, Washington: House Document Numbered 418, Eighty-fourth Congress, at an estimated cost of $387,000; Washington.

Bellingham Harbor, Washington: Senate Document Numbered 46, Eighty-fifth Congress, at an estimated cost of $83,700;

Douglas and Juneau Harbors, Alaska: House Document Numbered 286, Eighty-fourth Congress, at an estimated cost of $1,394,000; Alaska.

Dillingham Harbor, Alaska: House Document Numbered 390, Eighty-fourth Congress, at an estimated cost of $372,000;

Naknek River, Alaska: House Document Numbered 390, Eighty-fourth Congress, at an estimated cost of $19,000;

Cook Inlet, navigation improvements, Alaska: House Document Numbered 34, Eighty-fifth Congress, at an estimated cost of $5,199,200;

San Juan Harbor, Puerto Rico: House Document Numbered 38, Eighty-fifth Congress, at an estimated cost of $6,476,800; Puerto Rico.

BEACH EROSION

State of Connecticut, Area 9, East River to New Haven Harbor: House Document Numbered 395, Eighty-fourth Congress, at an estimated cost of $12,000; Connecticut.

Connecticut shoreline, Areas 8 and 11, Saugatuck River to Byram River: House Document Numbered 174, Eighty-fifth Congress, at an estimated cost of $229,000;

Fire Island Inlet, Long Island, New York: House Document Numbered 411, Eighty-fourth Congress, at an estimated cost of $2,724,000; New York.

Atlantic Coast of New Jersey, Sandy Hook to Barnegat Inlet: House Document Numbered 332, Eighty-fifth Congress, at an estimated cost of $6,755,000; New Jersey.

Delaware Coast from Kitts Hummock to Fenwick Island, Delaware: House Document Numbered 216, Eighty-fifth Congress, at an estimated cost of $28,000; Delaware.

Palm Beach County, from Lake Worth Inlet to South Lake Worth Inlet, Florida: House Document Numbered 342, Eighty-fifth Congress, at an estimated cost of $222,500; Florida.

Berrien County, Michigan: House Document Numbered 336, Eighty-fifth Congress, at an estimated cost of $226,000; Michigan.

Manitowoc County, Wisconsin: House Document Numbered 348, Eighty-fourth Congress, at an estimated cost of $50,000; Wisconsin.

Fair Haven Beach State Park, New York: House Document Numbered 134, Eighty-fourth Congress, at an estimated cost of $114,000; New York.

Hamlin Beach State Park, New York: House Document Numbered 138, Eighty-fourth Congress, at an estimated cost of $404,000;

California. Humboldt Bay, California: House Document Numbered 282, Eighty-fifth Congress, at an estimated cost of $38,200;

Santa Cruz County, California: House Document Numbered 179, Eighty-fifth Congress, at an estimated cost of $516,000;

San Diego County, California: House Document Numbered 399, Eighty-fourth Congress, at an estimated cost of $289,000;

Hawaii. Waimea Beach and Hanapepe Bay, Island of Kauai, Territory of Hawaii: House Document Numbered 432, Eighty-fourth Congress, at an estimated cost of $20,000.

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.

Algiers Canal. Bridge. 59 Stat. 10. SEC. 103. That pending fulfillment of the conditions of local cooperation for the Gulf Intracoastal Waterway, Algiers Canal, as authorized by the River and Harbor Act of March 2, 1945, appropriations heretofore or hereafter made for maintenance of rivers and harbors may be used for operation and maintenance of the railroad bridge over Algiers Canal for the period from September 1, 1956, to December 31, 1958.

Aquatic plant growths. Control. SEC. 104. That there is hereby authorized a comprehensive project to provide for control and progressive eradication of the water-hyacinth, alligatorweed, and other obnoxious aquatic plant growths from the navigable waters, tributary streams, connecting channels, and other allied waters in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, at an estimated additional cost for the expanded program over that now underway of $1,350,000 annually for five years, of which 70 per centum, presently estimated at $945,000, shall be borne by the United States and 30 per centum, presently estimated at $405,000, by local interests, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army in cooperation with other Federal and State agencies in accordance with the report of the Chief of Engineers, published as House Document Numbered 37, Eighty-fifth Congress: *Provided*, That local interests agree to hold and save the United States free from claims that may occur from such operations and participate to the extent of 30 per centum of the cost of the additional program: *Provided further*, That Federal funds appropriated for this project shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

Survey reports. SEC. 105. That for preliminary examinations and surveys authorized in previous river and harbor and flood-control Acts, the Secretary of the Army is hereby directed to cause investigations and reports for navigation and allied purposes to be prepared under the supervision of the Chief of Engineers in the form of survey reports, and that preliminary examination reports shall no longer be required to be prepared.

Florida. 68 Stat. 1251. SEC. 106. That the improvement of Apalachicola Bay, Florida, authorized by the River and Harbor Act of 1954 in accordance with

the recommendations of the Chief of Engineers in House Document Numbered 156, Eighty-second Congress; and the improvement of Apalachicola Bay, Florida, channel across Saint George Island, authorized by the River and Harbor Act of 1954, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 557, Eighty-second Congress, are hereby modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done upon the projects insofar as this work shall be approved by the Chief of Engineers and found to have been done in accordance with the projects adopted by the Act of 1954: *Provided*, That reimbursement shall be based upon the reduction in the amount of material which will have to be removed to provide project dimensions at such time as Federal dredging of the channels is undertaken: *Provided further*, That such reimbursement shall be subject to appropriations applicable thereto and shall not take precedence over authorized Federal improvements of higher priority.

68 Stat. 1251.

SEC. 107. That the improvement of Pascagoula Harbor, Dog River Cutoff, Mississippi, authorized by the River and Harbor Act of 1950, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 188, Eighty-first Congress, is hereby modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done on this project, within the limits of the Federal portion of the project, over and above any items required as a part of the local cooperation for the project, insofar as the same shall be approved by the Chief of Engineers and found to have been done in accordance with project modification adopted in said Act: *Provided*, That such payment shall not exceed the sum of $44,000: *Provided further*, That such reimbursement shall be subject to appropriations therefor and shall not have precedence over authorized Federal improvements of higher priority: *And provided further*, That no reimbursement to local interests shall be made until they have met all the requirements of local cooperation in the recommendations of the Chief of Engineers in House Document Numbered 188, Eighty-first Congress.

Mississippi.
64 Stat. 163, 165.

SEC. 108. That the Federal project structures, appurtenances, and real property of the Upper Fox River, Wisconsin, shall be disposed of in accordance with the provisions of this section: *Provided*, That all or any part of the right, title, and interest of the United States to any portion of the said property may, regardless of any other provision of law, be conveyed, upon such terms and conditions as may be advisable: *Provided further*, That, if the State of Wisconsin offers to take over said property under the terms and conditions hereinafter prescribed, the Secretary of the Army is hereby authorized to convey by quitclaim deed to said State, without monetary consideration, all such right, title, and interest of the United States in said property, and the United States shall thereafter have no further obligations with respect to the property so conveyed. In consideration of the State accepting such conveyance, and assuming responsibility for said property, there is hereby authorized to be expended from appropriations hereafter made for civil functions administered by the Department of the Army toward the work of placing the project facilities in a condition suitable for public purposes, not to exceed $300,000. The Chief of Engineers is authorized to enter into agreements with the duly authorized representatives of the State with respect to the details of the work to be performed and transfer of the property. If the State fails to present a satisfactory offer within two years after the date of enactment of this Act, said property may be disposed of pursuant to the provisions of existing law and upon such terms and conditions as may be determined to be in the public interest: *And*

Wisconsin.
Conveyance.

provided further, That, after acceptance of said property by the State of Wisconsin, the Federal laws, other than the Federal Power Act, governing the protection and preservation of navigable waters shall not apply to the reach of the Upper Fox River, Wisconsin, above its juncture with the mouth of the Wolf River.

Calumet-Sag navigation project. 60 Stat. 636.

SEC. 109. 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, is hereby modified in accordance with the recommendations in House Document Numbered 45, Eighty-fifth Congress, insofar as they apply to existing highway bridges in part I, Sag Junction to Lake Calumet, at an estimated additional cost of $9,884,000.

Illinois and Mississippi Canal.

SEC. 110. (a) The Secretary of the Army hereby is authorized to acquire on behalf of the United States the fee simple title in and to the lands in the lake (known as Sinnissippi Lake) created by the Government dam constructed across Rock River between Sterling and Rock Falls, Illinois, and over which the United States now holds flowage rights or easement, and in and to all other lands upon which the United States has rights or easements used for the purpose of and appurtenant to the operation of the Federal project known as the Illinois and Mississippi Canal (which lake, canal, feeder, and appurtenances thereto are referred to collectively in this section as the canal) in the State of Illinois; said fee simple title to be acquired subject to the continuing right of access to Sinnissippi Lake by the riparian owners whose land adjoins and abuts said lake. Such acquisition may be accomplished by purchase, acceptance of donation, exchange, exercise of the power of eminent domain, or otherwise.

Recreational use.

(b) The Secretary of the Army further is authorized out of appropriations hereafter made for civil functions administered by the Department of the Army, to cause the canal to be repaired and modified for the purpose of placing the same in proper condition for public recreational use other than through-navigation, including (but not limited to) the repair or reconstruction of the aforesaid Government dam across Rock River; the repair or reconstruction of retaining walls, embankments, and fixed portions of the lock and dam structures, on both the feeder and the main portions of the canal; the removal of presently existing lock gates and the construction of fixed dams in lieu thereof; the repair of culverts, drainage ditches, fences, and other structures and improvements, except bridges and roads, which the United States has maintained or has been obligated to maintain; the replacement of aqueducts with inverted siphons or flumes; such other repair, renovation, or reconstruction work as the Chief of Engineers may deem necessary or advisable to prepare the canal for public recreational use other than through-navigation; and the sale or other disposition of equipment, building, and other structures, which are designated by the State of Illinois as not suitable or needed for such use. The work of repair and modification shall be performed by the Corps of Engineers, and upon completion thereof the Chief of Engineers shall certify such completion to the Secretary of the Army. The work of repair and modification authorized in this subsection, as well as the land acquisition authorized in the preceding subsection, shall not be commenced prior to the approval by the Chief of Engineers and the responsible State representative of the agreement authorized in subsection (e) which shall include assurance from the State of Illinois that it will accept the conveyance of all right, title, and interest of the United States in and to the canal. Upon such conveyance the United States shall have no further obligation with respect to the canal.

(c) Upon the request of the State of Illinois and of any corporation owning a railroad which crosses a bridge over the canal, the Secretary of the Army is authorized to convey to said corporation, at any time before the conveyance of the canal to the State of Illinois as provided in subsection (d) of this section, all right, title, and interest of the United States in and to such bridge, and the delivery of any such bridge conveyance shall operate as a complete release and discharge of the United States from all further obligation with respect to such bridge. If the request also provides for the replacement of such bridge with a land fill, the Secretary of the Army further is authorized to permit the said corporation to make such replacement, but shall require adequate provision for culverts and other structures allowing passage of the waters of the canal and necessary drainage, and for right-of-way for necessary and appropriate road crossings. Bridge.

(d) The Secretary of the Army further is authorized and directed, upon execution of the foregoing provisions of this section, to convey and transfer to the State of Illinois, by quitclaim deed and such other instruments as the Secretary may deem appropriate, without further consideration, the property of the canal; and to execute such other documents and to perform such other acts as shall be necessary and appropriate to complete the transfer to the said State of all right, title, and interest of the United States in and to the canal. Upon and after the delivery of such deed, the State of Illinois is authorized, at all times, to use such quantity of water drawn from Rock River at Sinnissippi Lake, as is adequate and appropriate to operate the canal for public recreational use other than through-navigation. Conveyance.

(e) In the execution of the provisions of this section, the Chief of Engineers is authorized to enter into agreements with the duly authorized representatives of the State of Illinois with respect to the details of repair and modification of the canal and the transfer thereof to the State. Agreements.

(f) There is hereby authorized to be appropriated the sum of $2,000,000 to carry out the provisions of this section. Appropriation.

SEC. 111. Whenever, during the construction or reconstruction of any navigation, flood control, or related water development project under the direction of the Secretary of the Army, the Chief of Engineers determines that any structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of navigation or flood control, or both; or to preserve the safety or integrity of such facility when its safety or usefulness is determined by the Chief of Engineers to be adversely affected or threatened by the project, the Chief of Engineers may, if he deems such action to be in the public interest, enter into a contract providing for the payment from appropriations made for the construction or maintenance of such project, of the reasonable actual cost of such remedial work, or for the payment of a lump sum representing the estimated reasonable cost: *Provided*, That this section shall not be construed as modifying any existing or future requirement of local cooperation, or as indicating a policy that local interests shall not hereafter be required to assume costs of modifying such facilities. The provisions of this section may be applied to projects hereafter authorized and to those heretofore authorized but not completed as of the date of this Act, and notwithstanding the navigation servitude vested in the United States, they may be applied to such structures or facilities occupying the beds of navigable waters of the United States. Remedial works.

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Surveys.

SEC. 112. 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 110 of the River and Harbor Act of 1950:

64 Stat. 168.

Stave Island Harbor at South Goldsboro, Maine.

Tashmoo Pond, Martha's Vineyard, Massachusetts.

Sachem's Head Harbor at Guilford, Connecticut.

Poquonock River at Groton, Connecticut.

Water route from Albany, New York, into Lake Champlain, New York and Vermont, including the advisability of modifying existing Federal and State improvements, with due consideration of ultimate connection with the Saint Lawrence River in Canada.

Hammonds Cove entrance to Locust Point Harbor, Long Island Sound, New York.

Indian River Bay to Assawoman Canal known as White's Creek, and up White's Creek, Delaware.

Indian River Bay via Pepper's Creek to Dagsboro, Delaware.

Chesapeake Bay and tributaries, Maryland, Delaware, and Virginia, with a view to elimination of the waterchestnut (Trapa Natans).

Area from Cuckold Creek through Neale Creek and Neale Sound to the Wicomico River, Charles County, Maryland, to determine the feasibility of providing a safe and continuous inland channel for the navigation of small boats.

Currioman Bay, Virginia.

Tabbs Creek, Lancaster County, Virginia.

Wrights Creek, North Carolina.

Savannah River, with a view to providing nine-foot navigation to Augusta, Georgia.

Little Gasparilla Pass, Charlotte County, Florida.

Frenchman Creek, Florida.

Streams and harbor facilities and needs therefor at and in the vicinity of Bayport, Florida, in the interest of present and prospective commerce and other purposes, with the view of improving the harbor facilities of Bayport as a port for commerce and for refuge on the Gulf of Mexico.

Channel from Lynn Haven Bayou, Florida, into North Bay, Florida.

Small-boat channel from the port of Panacea, Florida, into Apalachee Bay, Florida.

Dredged channel, vicinity of Sunshine Skyway, Tampa Bay, Florida.

Tampa Bay, Florida, with a view to determining the feasibility of a fresh-water lake at that location.

Apalachicola River Chipola Cutoff, Florida, via Wewahitchka, with a view to providing a channel nine feet deep and one hundred feet wide.

Apalachicola River, Florida, in the vicinity of Bristol and in the vicinity of Blountstown.

Streams at and in the vicinity of Gulfport, Florida.

Trinity River, Texas.

Missouri River, with a view to extending nine-foot navigation from Sioux City, Iowa, to Gavins Point Dam, South Dakota-Nebraska.

Channel from Port Inland, Michigan, to deep water in Lake Michigan.

Connecting channel between Namakan Lake and Ash River, Minnesota.

Camp Pendleton Harbor and Oceanside, California, with a view to determining the extent of Federal aid which should be granted

toward recommended beach erosion control measures at Oceanside, California, in equity without regard to limitations of Federal law applicable to beach erosion control.

Anaheim Bay, California, with a view to determining the extent of Federal aid which should be granted in equity without regard to limitations of Federal law applicable to beach erosion control.

SEC. 113. Title I may be cited as the "River and Harbor Act of 1958". Short title.

TITLE II—FLOOD CONTROL

Flood Control Act of 1958.

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 authorization.

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.

NEW BEDFORD, FAIRHAVEN, AND ACUSHNET, MASSACHUSETTS

The project for hurricane-flood protection at New Bedford, Fairhaven, and Acushnet, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 59, Eighty-fifth Congress, at an estimated Federal cost of $10,480,000 and at an estimated Federal cost of maintenance and operation of $55,000 annually: *Provided*, That in

lieu of the local cooperation recommended in the report of the Chief of Engineers in Senate Document Numbered 59, Eighty-fifth Congress, local interests (a) contribute 30 per centum of the first cost of the project, said 30 per centum being presently estimated at $5,160,000, including the value of lands, easements, and rights-of-way; (b) contribute the capitalized value of annual maintenance and operation for the main harbor barrier presently estimated at $1,560,000; (c) hold and save the United States free from damages due to the construction works; and (d) maintain and operate all the works except the main harbor barrier after completion in accordance with regulations prescribed by the Secretary of the Army.

NARRAGANSETT BAY AREA, RHODE ISLAND AND MASSACHUSETTS

The project for hurricane-flood protection in the Narragansett Bay area, Rhode Island and Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 230, Eighty-fifth Congress, at an estimated Federal cost of $11,550,000: *Provided*, That in lieu of the local cooperation recommended in the report of the Chief of Engineers in House Document Numbered 230, Eighty-fifth Congress, local interests (a) contribute 30 per centum of the first cost of the project, said 30 per centum being presently estimated at $4,950,000, including the value of lands, easements, and rights-of-way; (b) hold and save the United States free from damages due to the construction works; and (c) maintain and operate the improvements after completion in accordance with regulations prescribed by the Secretary of the Army.

Appropriation.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $24,000,000 for the prosecution of the comprehensive plan for the Connecticut River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress, and such comprehensive plan is hereby modified to include the construction of the Littleville Reservoir on the Middle Branch of Westfield River, Massachusetts, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 17, Eighty-fifth Congress, at an estimated cost of $5,090,000.

52 Stat. 1215.

The project for the Mad River Dam and Reservoir on the Mad River above Winsted, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 137, Eighty-fifth Congress, at an estimated cost of $5,430,000.

HOUSATONIC RIVER BASIN

The project for the flood control dam and reservoir on Hall Meadow Brook in Torrington and Goshen, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 81, Eighty-fifth Congress, at an estimated cost of $1,960,000.

The project for the flood control dam and reservoir on the East Branch of the Naugatuck River in Torrington, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 81, Eighty-fifth Congress, at an estimated cost of $1,780,000.

SUSQUEHANNA RIVER BASIN

The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of

Engineers in House Document Numbered 394, Eighty-fourth Congress, and there is hereby authorized to be appropriated the sum of $30,000,000 for partial accomplishment of that plan. Appropriation.

HUDSON RIVER BASIN

The project for flood protection on the Mohawk River, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 172, Eighty-fifth Congress, at an estimated cost of $2,069,000.

PANTEGO AND CUCKLERS CREEK, NORTH CAROLINA

The project for flood protection on Pantego and Cucklers Creek, North Carolina, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in House Document Numbered 398, Eighty-fourth Congress, at an estimated cost of $413,000.

SAVANNAH RIVER BASIN

In addition to previous authorizations, there is hereby authorized the completion of Hartwell Reservoir, approved in the Flood Control Acts of December 22, 1944, and May 17, 1950, in accordance with the report of the Chief of Engineers contained in House Document Numbered 657, Seventy-eighth Congress, at an estimated cost of $44,300,000. Hartwell Reservoir, completion.

CENTRAL AND SOUTHERN FLORIDA

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $40,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in central and southern Florida approved in the Act of June 30, 1948, and subsequent Acts of Congress, and such comprehensive plan is hereby modified as recommended by the Chief of Engineers in House Document Numbered 186, Eighty-fifth Congress, and to include the following items: Appropriation. 62 Stat. 1176.

The project for canals, levees, water control structures on the west side of the Everglades agricultural and conservation areas in Hendry County, Florida, substantially in accordance with the recommendations of the Chief of Engineers contained in Senate Document Numbered 48, Eighty-fifth Congress, at an estimated cost of $3,172,000.

MOBILE RIVER BASIN

(Tombigbee, Warrior, and Alabama-Coosa)

The project for flood control and related purposes on the Tombigbee River and tributaries, Mississippi and Alabama, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in his report published as House Document Numbered 167, Eighty-fourth Congress, at an estimated cost of $19,311,000: *Provided*, That in lieu of the cash contribution contained in item (f) of the recommendations of the Chief of Engineers, local interests contribute in cash or equivalent work, the sum of $1,473,000 in addition to other items of local cooperation.

The project for flood protection on the Alabama River at Montgomery, Alabama, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 83, Eighty-fifth Congress, at an estimated cost of $1,300,000.

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 approved May 15, 1928, as amended by subsequent Acts, is hereby modified and expanded to include the following items and the authorization for said project is increased accordingly:

(a) Modification of the White River Backwater project, Arkansas, substantially in accordance with the recommendation of the Chief of Engineers in Senate Document Numbered 26, Eighty-fifth Congress, at an estimated cost, over that now authorized, of $2,380,000 for construction and $57,000 annually for maintenance: *Provided*, That the Secretary of the Interior shall grant to the White River Drainage District of Phillips and Desha Counties, Arkansas, such permits, rights-of-way, and easements over lands of the United States in the White River Migratory Refuge, as the Chief of Engineers may determine to be required for the construction, operation, and maintenance of this project.

(b) Modification and extension of plan of improvement in the Boeuf and Tensas Rivers and Bayou Macon Basin, Arkansas, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 108, Eighty-fifth Congress, at an estimated cost of $1,212,000.

(c) In addition to the previous authorization, the sum of $28,200,000 for prosecution of the plan of improvement for the control of Old and Atchafalaya Rivers and a navigation lock approved in the Act of September 3, 1954.

68 Stat. 1258.

(d) In addition to previous authorizations, the sum of $35,674,000 for prosecution of the plan of improvement in the Saint Francis River Basin approved in the Act of May 17, 1950.

64 Stat. 172.

(e) The project for flood protection of Wolf River and tributaries, Tennessee, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 76, Eighty-fifth Congress, at an estimated cost of $1,932,000.

(f) The project for Greenville Harbor, Mississippi, substantially in accordance with the recommendations of the Mississippi River Commission, dated April 26, 1957, at an estimated Federal cost of $1,799,500 for dredging twelve feet deep plus three feet overdepth, and one-half of the seventeen feet additional depth: *Provided*, That the cost for dredging the remaining one-half of the additional seventeen feet depth, estimated to cost $383,500, shall be returned to the Federal Government with interest at 3 per centum in forty equal annual payments: *Provided further*, That the Secretary of the Army is authorized and directed to conduct a survey of Greenville Harbor, Mississippi, for purposes of navigation in accordance with section 206 of this title, with particular reference to the requirements of local cooperation.

Survey.

The project for flood protection and related purposes on Bayou Chevreuil, Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 347, Eighty-fourth Congress, at an estimated cost of $547,000: *Provided*, That work already performed by local interests on this project, in accordance with the recommended plan as determined by the Chief of Engineers, may be credited to the cash contribution required of local interests.

TRINITY RIVER BASIN, TEXAS

Notwithstanding clause (b) of paragraph 5 of the report of the Chief of Engineers dated May 28, 1954, with respect to the project for

the Navarro Mills Reservoir on Richland Creek, Texas, authorized by section 203 of the Flood Control Act of 1954, local interests shall be required to pay $300,000 as the total cost of the project attributable to increase in net returns from higher utilization of the downstream valley lands. 68 Stat. 1258.

RED-OUACHITA RIVER BASIN

The general plan for flood control on Red River, Texas, Oklahoma, Arkansas, and Louisiana, below Denison Dam, Texas and Oklahoma, as authorized by the Flood Control Act of 1946, is modified and expanded, at an estimated cost in addition to that now authorized of $53,235,000, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 170, Eighty-fifth Congress, on Millwood Reservoir and alternate reservoirs, Little River, Oklahoma and Arkansas, except as follows: Red River. 60 Stat. 647.

(1) All flood-control and land-enhancement benefits shall be non-reimbursable.

(2) Penstocks or other facilities, to provide for future power installations, shall be provided in the reservoirs to be constructed above the Millwood Reservoir, if approved by the Secretary of the Army on the recommendations of the Chief of Engineers and the Federal Power Commission.

GULF OF MEXICO

The project for hurricane-flood protection on Galveston Bay, Texas, at and in the vicinity of Texas City, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 347, Eighty-fifth Congress, at an estimated Federal cost of $5,662,000: *Provided*, That in lieu of the local cooperation recommended in the report of the Chief of Engineers in House Document Numbered 347, Eighty-fifth Congress, local interests (a) contribute 30 per centum of the first cost of the project, said 30 per centum being presently estimated at $2,427,000, including the cost of lands, easements, and rights-of-way; (b) contribute, at their option, the additional cost of providing ramps in lieu of closure structures presently estimated at $200,000; (c) hold and save the United States free from damages due to the construction works; and (d) maintain and operate all the works after completion.

ARKANSAS RIVER BASIN

The project for the Trinidad Dam on Purgatoire River, Colorado, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 325, Eighty-fourth Congress, at an estimated cost of $16,628,000.

The first section of the Act entitled "An Act to provide for the construction of the Markham Ferry project on the Grand River in Oklahoma by the Grand River Dam Authority, an instrumentality of the State of Oklahoma", approved July 6, 1954 (68 Stat. 450), is amended by inserting after "as recommended by the Chief of Engineers," the following: "or such additional flood storage or pool elevations, or both as may be approved by the Chief of Engineers,".

WHITE RIVER BASIN

In addition to previous authorizations, there is hereby authorized the sum of $57,000,000 for the prosecution of the comprehensive plan for the White River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress. 52 Stat. 1218.

PECOS RIVER BASIN

The project for flood protection on the Pecos River at Carlsbad, New Mexico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 224, Eighty-fifth Congress, at an estimated Federal cost of $1,791,000.

RIO GRANDE BASIN

The project for flood protection on the Rio Grande at Socorro, New Mexico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 58, Eighty-fifth Congress, at an estimated Federal cost of $3,102,700.

UPPER MISSISSIPPI RIVER BASIN

Appropriation.

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 Upper Mississippi River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress.

The project for flood protection on the Rock and Green Rivers, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 173, Eighty-fifth Congress, at an estimated cost of $6,996,000.

The project for flood protection on Eau Galle River at Spring Valley, Wisconsin, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in Senate Document Numbered 52, Eighty-fourth Congress, at an estimated cost of $6,690,000.

The project for flood protection on the Mississippi River at Winona, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 324, Eighty-fourth Congress, at an estimated cost of $1,620,000.

The projects for flood protection on the Mississippi River at Saint Paul and South Saint Paul, Minnesota, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 223, Eighty-fifth Congress, at an estimated cost of $5,705,500.

The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 437, Eighty-fourth Congress, at an estimated cost of $1,870,000.

The project for the Saylorville Reservoir on the Des Moines River, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 9, Eighty-fifth Congress, at an estimated cost of $44,500,000: *Provided*, That, if the reservoir is used for water conservation, such use shall be in accord with title III of this Act.

The project for the Kaskaskia River, Illinois, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 232, Eighty-fifth Congress, at an estimated cost of $23,000,000.

The project for flood protection on the Root River at Rushford, Minnesota, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 431, Eighty-fourth Congress at an estimated cost of $796,000.

GREAT LAKES BASIN

The project for flood protection on the Bad River at Mellen and Odanah, Wisconsin, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 165, Eighty-fourth Congress, at an estimated cost of $917,000.

The project for flood protection on the Kalamazoo River at Kalamazoo, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 53, Eighty-fourth Congress, at an estimated cost of $5,358,000.

The project for flood protection on the Grand River, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 132, Eighty-fourth Congress, at an estimated cost of $9,825,000.

The project for flood protection on the Saginaw River, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 346, Eighty-fourth Congress, at an estimated cost of $16,085,000.

The project for flood protection on Owasco Outlet, tributary of Oswego River, at Auburn, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 133, Eighty-fourth Congress, at an estimated cost of $305,000.

MISSOURI RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $200,000,000 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: *Provided*, That, with respect to any power attributable to any dam in such plan to be constructed by the Corps of Engineers, the construction of which has not been started, a reasonable amount of such power as may be determined by the Secretary of Interior, or such portions thereof as may be required from time to time to meet loads under contract made within this reservation, shall be made available for use in the State where such dam is constructed: *Provided*, That the distribution and sale of such reserved power within the State shall be made first to preference users in keeping with the provisions of section 5 of the Flood Control Act of 1944; and provided further that the power so reserved for use within the State shall be not to exceed 50 per centum of the output of such dam.

58 Stat. 890.

The Secretary of the Army, acting through the Corps of Engineers, is authorized and directed to undertake the construction and to provide suitable sewer facilities, conforming to applicable standards of the South Dakota Department of Health, to replace certain existing water or sewer facilities of (1) the Saint Joseph's Indian School, Chamberlain, South Dakota, by facilities to provide for treatment of sewage or connection to the city system not exceeding $42,000 in cost; (2) Fort Pierre, South Dakota, sewer facilities not exceeding $120,000, and water facilities not exceeding $25,000; and (3) the city of Pierre, South Dakota, sewer facilities not exceeding $210,000; and the Secretary of the Army, acting through the Corps of Engineers, is further authorized and directed to pay to the Chamberlain Water Company, Chamberlain, South Dakota, as reimbursement for removal expenses, not to exceed $5,000, under the provisions of Public Law 534, Eighty-second Congress: *Provided*, That the Secretary of the Army is authorized to provide the sums necessary to carry out the

66 Stat. 624.

provisions of this paragraph out of any sums appropriated for the construction of the Oahe and Fort Randall Dam and Reservoir projects, Missouri River.

The project for flood protection on the Sun River at Great Falls, Montana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 343, Eighty-fifth Congress, at an estimated cost of $1,405,000.

The project for flood protection on the Cannonball River at Mott, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 35, Eighty-fifth Congress, at an estimated cost of $434,000.

The project for flood protection on the Floyd River, Iowa, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 417, Eighty-fourth Congress, at an estimated cost of $8,060,000.

The project for flood protection on the Black Vermillion River at Frankfort, Kansas, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 409, Eighty-fourth Congress, at an estimated cost of $850,000.

The project for flood protection in the Gering and Mitchell Valleys, Nebraska, is hereby authorized substantially as recommended by the Chief of Engineers in Senate Document Numbered 139, Eighty-fourth Congress, at an estimated cost of $1,214,000.

The project for flood control on Salt Creek and tributaries, Nebraska, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 396, Eighty-fourth Congress, at an estimated cost of $13,314,000.

The project for flood protection on Shell Creek, Nebraska, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 187, Eighty-fifth Congress, at an estimated cost of $2,025,000.

RED RIVER OF THE NORTH BASIN

The project for flood protection on Ruffy Brook and Lost River, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 141, Eighty-fourth Congress, at an estimated cost of $632,000.

OHIO RIVER BASIN

The project for the Saline River and tributaries, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report published as House Document Numbered 316, Eighty-fourth Congress, at an estimated cost of $5,272,000.

The project for the Upper Wabash River and tributaries, Indiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 435, Eighty-fourth Congress, at an estimated cost of $45,500,000.

The project for flood protection on Brush Creek at Princeton, West Virginia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 122, Eighty-fourth Congress, at an estimated cost of $917,000.

The project for flood protection on Meadow River at East Rainelle, West Virginia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 137, Eighty-fourth Congress, at an estimated cost of $708,000.

The project for flood protection on Tug Fork of Big Sandy River at Williamson, West Virginia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 105, Eighty-fifth Congress, at an estimated cost of $625,000.

The project for flood protection on Lake Chautauqua and Chadakoin River at Jamestown, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 103, Eighty-fourth Congress, at an estimated cost of $4,796,000.

The project for flood protection on the West Branch of the Mahoning River, Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 191, Eighty-fifth Congress, at an estimated cost of $12,585,000.

The project for flood protection on Chartiers Creek, at and in the vicinity of Washington, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 286, Eighty-fifth Congress, at an estimated cost of $1,286,000.

The project for flood protection in the Turtle Creek Basin, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 390, Eighty-fifth Congress, at an estimated cost of $13,417,000.

The project for flood protection on Sandy Lick Creek at Brookville, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 166, Eighty-fifth Congress, at an estimated cost of $1,188,000.

The general comprehensive plan for flood control and other purposes in the Ohio River Basin is modified to provide for a reservoir at the Monroe Reservoir site, mile 25.6, on Salt Creek, White River Basin, Indiana, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 192, Eighty-fifth Congress, at an estimated cost of $4,359,000.

GILA RIVER BASIN

The comprehensive plan of improvement for the Gila River between Camelsback Reservoir site and the mouth of the Salt River, as set forth in paragraph 41 of the Report of the District Engineer, Los Angeles District, dated December 31, 1957, is approved as a basis for the future development of the Gila River, subject to further detailed study and specific authorization; and the channel improvement work recommended by the District Engineer in paragraph 58 of that report, is hereby authorized at an estimated Federal cost of $1,570,000, subject to the condition that local interests furnish assurances satisfactory to the Secretary of the Army that they will (a) provide necessary lands, easements, and rights-of-way; (b) maintain and operate the channel improvements in accordance with regulations to be prescribed by the Secretary of the Army at an average annual cost estimated at $50,000; (c) keep the flood channel of the Gila River from the upper end of Safford Valley to San Carlos Reservoir and from the mouth of the San Pedro River to Buttes Reservoir site free from encroachment; (d) hold and save the United States free from all damages arising from construction and operation of the work; and (e) adjust all water-rights claims resulting from construction, operation, and maintenance of the improvements: *Provided*, That in the consideration of benefits in connection with the study of any upstream reservoir, the channel improvements herein authorized and the up-

Repayment contracts.

stream reservoir shall be considered as a single operating unit in the economic evaluation: *Provided further*, That in the event it is possible as determined by the Secretary of the Interior (a) to identify the organizations directly benefiting from the water conserved by these works and (b) to feasibly determine the extent of such benefit to each organization, the Secretary of the Interior shall enter into contracts with such organizations for the repayment of the portion of the cost of the work properly allocable to such organizations: *And provided further*, That such repayment shall be under terms and conditions satisfactory to the Secretary of the Interior and shall be in installments fixed in accordance with the ability of those organizations to pay as determined by the Secretary of the Interior in the light of their outstanding repayments and other obligations.

SACRAMENTO RIVER BASIN

Appropriation.

58 Stat. 900.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $17,000,000 for the prosecution of the comprehensive plan approved in the Act of December 22, 1944, as amended and supplemented by subsequent Acts of Congress.

The project for flood protection on the Sacramento River from Chico Landing to Red Bluff, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 272, Eighty-fourth Congress, at an estimated cost of $1,560,000.

EEL RIVER BASIN

The project for flood protection on the Eel River, in the Sandy Prairie region, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 80, Eighty-fifth Congress, at an estimated cost of $707,000.

WEBER RIVER BASIN, UTAH

The project for flood protection on the Weber River and tributaries, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 158, Eighty-fourth Congress, at an estimated cost of $520,000.

SAN JOAQUIN RIVER BASIN

Appropriation.

58 Stat. 900.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $13,000,000 for the prosecution of the comprehensive plan approved in the Act of December 22, 1944, as amended and supplemented by subsequent Acts of Congress.

KAWEAH AND TULE RIVER BASINS

In addition to previous authorizations, the completion of the comprehensive plan approved in the Act of December 22, 1944, as amended and supplemented by subsequent acts of Congress, is hereby authorized at an estimated cost of $28,000,000.

LOS ANGELES RIVER BASIN

Appropriation.

55 Stat. 647.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $44,000,000 for the prosecution of the comprehensive plan approved in the Act of August 18, 1941, as amended and supplemented by subsequent Acts of Congress.

SANTA ANA RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $8,000,000 for the prosecution of the comprehensive plan approved in the Act of June 22, 1936, as amended and supplemented by subsequent Acts of Congress.

Appropriation.

49 Stat. 1589.

SAN DIEGUITO RIVER BASIN

The project for the San Dieguito River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 288, Eighty-fifth Congress, at an estimated cost of $1,961,000.

COLUMBIA RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $112,000,000 for the prosecution of 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, and September 3, 1954.

Appropriation.

52 Stat. 1222, 1225.
64 Stat. 177, 178.
68 Stat. 1264.

In carrying out the review of House Document Numbered 531, Eighty-first Congress, second session, and other reports on the Columbia River and its tributaries, pursuant to the resolution of the Committee on Public Works of the United States Senate dated July 28, 1955, the Chief of Engineers shall be guided by flood control goals not less than those contained in said House Document Numbered 531.

The preparation of detailed plans for the Bruces Eddy Dam and Reservoir on the North Fork of the Clearwater River, Idaho, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 51, Eighty-fourth Congress, is hereby authorized at an estimated cost of $1,200,000.

SAMMAMISH RIVER BASIN

The project for flood protection and related purposes on the Sammamish River, Washington, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 157, Eighty-fourth Congress, at an estimated cost of $825,000.

TERRITORY OF ALASKA

The project for flood protection on Chena River at Fairbanks, Alaska, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 137, Eighty-fourth Congress, at an estimated cost of $9,727,000.

The project for flood protection at Cook Inlet, Alaska (Talkeetna), is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 34, Eighty-fifth Congress, at an estimated cost of $64,900.

SEC. 204. That, in recognition of the flood-control accomplishments of the multiple-purpose Oroville Dam and Reservoir, proposed to be constructed on the Feather River by the State of California, there is hereby authorized to be appropriated a monetary contribution toward the construction cost of such dam and reservoir and the amount of such contribution shall be determined by the Secretary of the Army in cooperation with the State of California, 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

Oroville Dam and Reservoir, Calif.
Appropriation.

prior to making the monetary contribution or any part thereof, the Department of the Army and the State of California shall have entered into an agreement providing for operation of the Oroville Dam in such manner as will produce the flood-control benefits upon which the monetary contribution is predicated, and such operation of the dam 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 Oroville Dam and Reservoir which the total flood-control contribution bears to the total cost of the dam and reservoir: *And provided further*, That, unless construction of the Oroville Dam and Reservoir is undertaken within four years from the date of enactment of this Act, the authority for the monetary contribution contained herein shall expire.

Land reconveyances; limitations.

SEC. 205. (a) In order to provide adjustments in the lands or interests in land heretofore acquired for the Grapevine, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoir projects in Texas to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the projects the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to reconvey any such land heretofore acquired to the former owners thereof whenever he shall determine that such land is not required for public purposes, including public recreational use, and he shall have received an application for reconveyance as hereinafter provided, subject to the following limitations:

(1) No reconveyance shall be made if within thirty days after the last date that notice of the proposed reconveyance has been published by the Secretary in a local newspaper, an objection in writing is received by the former owner and the Secretary from a present record owner of land abutting a portion of the reservoir made available for reconveyance, unless within ninety days after receipt by the former owner and the Secretary of such notice of objection, the present record owner of land and the former owner involved indicate to the Secretary that agreement has been reached concerning the reconveyance.

(2) If no agreement is reached between the present record owner of land and the former owner within ninety days after notice of objection has been filed with the former owner and the Secretary, the land made available for reconveyance in accordance with this section shall be reported to the Administrator of General Services for disposal in accordance with the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377).

40 USC 471 note.

(3) No lands heretofore conveyed to the United States Government by the city of Dallas in connection with the Garza-Little Elm Reservoir project shall be subject to revestment of title to private owners, but shall remain subject to the terms and conditions of the instrument or instruments of conveyance which transferred the title to the United States Government.

(b) Any such reconveyance of any such land or interests shall be made only after the Secretary (1) has given notice, in such manner (including publication) as regulations prescribe to the former owner of such land or interests, and (2) has received an application for the reconveyance of such land or interests from such former owner in such form as he shall by regulation prescribe. Such application shall

be made within a period of ninety days following the date of issuance of such notice, but on good cause the Secretary may waive this requirement.

(c) Any reconveyance of land therein made under this section shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest, except that no mineral rights may be reserved in said lands unless the Secretary finds that such reservation is needed for the efficient operation of the reservoir projects designated in this section. Mineral rights.

(d) Any land reconveyed under this section shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements made thereon by the United States (the Government shall receive no payment as a result of any enhancement of values resulting from the construction of the reservoir projects specified in subsection (a) of this section), or (2) any decrease in the value thereof resulting from (A) any reservation, exception, restrictions, and condition to which the reconveyance is made subject, and (B) any damage to the land caused by the United States. In addition, the cost of any surveys or boundary markings necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify that notice has been given to the former owner of such land or interest as provided in subsection (b) and that no qualified applicant has made timely application for the reconveyance of such land or interest.

(f) As used in this section the term "former owner" means the person from whom any land, or interests therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children or the heirs at law; and the term "present record owner of land" shall mean the person or persons in whose name such land shall, on the date of approval of this Act, be recorded on the deed records of the respective county in which such land is located.

(g) The Secretary of the Army may delegate any authority conferred upon him by this section of 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.

(h) Any proceeds from reconveyances made under this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

(i) This section shall terminate three years after the date of its enactment. Termination date.

SEC. 206. 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 Surveys. Reports to Congress.

Restriction. 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:

Maine. Short Sands section of York Beach, York County, Maine.

New York and New Jersey. Streams, river basins, and areas in New York and New Jersey for flood control, major drainage, navigation, channel improvement, and land reclamation, as follows: Hackensack River, Passaic River, Raritan River, Arthur Kill, and Kill Van Kull, including the portions of these river basins in Bergen, Hudson, Essex, Middlesex, Passaic, Union, and Monmouth Counties, New Jersey.

Maryland. Deep Creek, Saint Marys County, Maryland.

Florida. Mills Creek, Florida.

Streams in Seminole County, Florida, draining into the Saint Johns River.

Streams in Brevard County, Florida, draining Indian River and adjacent coastal areas including Merritt Island, and the area of Turnbull Hammock in Volusia County.

Louisiana. Lake Pontchartrain, Louisiana, in the interest of protecting Salt Bayou Road.

Texas. San Felipi Creek, Texas, at and in the vicinity of Del Rio, Texas.

El Paso, El Paso County, Texas.

Rio Grande and tributaries, at and in the vicinity of Fort Hancock, Hudspeth County, Texas.

New Mexico. Streams at and in the vicinity of Alamogordo, New Mexico.

South Dakota. Missouri River Basin, South Dakota, with reference to utilization of floodwaters stored in authorized reservoirs for purposes of municipal and industrial use and maintenance of natural lake levels.

Pennsylvania. Stump Creek, tributary of North Fork of Mahoning Creek, at Sykesville, Pennsylvania.

New York. Little River and Cayuga Creek, at and in the vicinity of Cayuga Island, Niagara County, New York.

Kansas. Bird, Caney, and Verdigris Rivers, Oklahoma and Kansas.

Illinois and Indiana. Watersheds of the Illinois River, at and in the vicinity of Chicago, Illinois, the Chicago River, Illinois, the Calumet River, Illinois and Indiana, and their tributaries, and any areas in northeast Illinois and northwest Indiana which drain directly into Lake Michigan with respect to flood control and major drainage problems.

Michigan. All streams flowing into Lake Saint Clair and Detroit River in Oakland, Macomb, and Wayne Counties, Michigan.

California. Sacramento River Basin, California, with reference to cost allocation studies for Oroville Dam.

Pescadero Creek, California.

Soquel Creek, California.

San Gregorio Creek and tributaries, California.

Redwood Creek, San Mateo, California.

Streams at and in the vicinity of San Mateo, California.

Streams at and in the vicinity of South San Francisco, California.

Streams at and in the vicinity of Burlingame, California.

Kellogg and Marsh Creeks, Contra Costa County, California.

Eastkoot Creek, Stinson Beach area, Marin County, California.

Rodeo Creek, tributary of San Pablo Bay, Contra Costa County, California.

Pinole Creek, tributary of San Pablo Bay, Contra Costa County, California.

Rogue River, Oregon, in the interest of flood control, navigation, hydroelectric power, irrigation, and allied purposes.

Hawaii. Kihei District, Island of Maui, Territory of Hawaii.

Appropriation. Missouri River Basin. 58 Stat. 891.

SEC. 207. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $200,000,000 for the prosecution of the comprehensive plan adopted by section 9 (a) of the Act approved December 22, 1944 (Public 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.

Survey reports.

SEC. 208. That for preliminary examinations and surveys authorized in previous river and harbor and flood control Acts, the Secretary of the Army is hereby directed to cause investigations and reports for flood control and allied purposes, to be prepared under the supervision of the Chief of Engineers in the form of survey reports, and that preliminary examination reports shall no longer be required to be prepared.

Short title.

SEC. 209. Title II may be cited as the "Flood Control Act of 1958".

TITLE III—WATER SUPPLY

Water Supply Act of 1958.

Congressional policy.

SEC. 301. (a) It is hereby declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

Storage.

(b) In carrying out the policy set forth in this section, it is hereby provided that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by the Corps of Engineers or the Bureau of Reclamation to impound water for present or anticipated future demand or need for municipal or industrial water, and the reasonable value thereof may be taken into account in estimating the economic value of the entire project: *Provided*, That before construction or modification of any project including water supply provisions is initiated, State or local interests shall agree to pay for the cost of such provisions on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction as determined by the Secretary of the Army or the Secretary of the Interior as the case may be: *Provided further*, That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where States or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project: *And provided further*, That the entire amount of the construction costs, including interest during construction, allocated to water supply shall be repaid within the life of the project but in no event to exceed fifty years after the project is first used for the storage of water for water supply purposes, except that (1) no payment need be made with respect to storage for future water supply until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are

Agreement.

Future demands.

Repayment.

Interest.

neither due nor callable for redemption for fifteen years from date of issue. The provisions of this subsection insofar as they relate to the Bureau of Reclamation and the Secretary of the Interior shall be alternative to and not a substitute for the provisions of the Reclamation Projects Act of 1939 (53 Stat. 1187) relating to the same subject.

43 USC 485-485k.

(c) The provisions of this section shall not be construed to modify the provisions of section 1 and section 8 of the Flood Control Act of 1944 (58 Stat. 887), as amended and extended, or the provisions of section 8 of the Reclamation Act of 1902 (32 Stat. 390).

33 USC 701-1; 43 USC 390. 43 USC 372, 383.

Approval of Congress.

(d) Modifications of a reservoir project heretofore authorized, surveyed, planned, or constructed to include storage as provided in subsection (b), which would seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed, or which would involve major structural or operational changes shall be made only upon the approval of Congress as now provided by law.

Short title.

SEC. 302. Title III of this Act may be cited as the "Water Supply Act of 1958".

Approved July 3, 1958.

Public Law 85-501

July 3, 1958
[H. R. 6306]

AN ACT

To amend the Act entitled "An Act authorizing and directing the Commissioners of the District of Columbia to construct two four-lane bridges to replace the existing Fourteenth Street or Highway Bridge across the Potomac River, and for other purposes."

Bridges.
Potomac River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act authorizing and directing the Commissioners of the District of Columbia to construct two four-lane bridges to replace the existing Fourteenth Street or Highway Bridge across the Potomac River, and for other purposes", approved July 16, 1946 (60 Stat. 566), is amended (a) by striking "$7,000,000" and inserting in lieu thereof "$16,000,000"; and (b) by inserting immediately before the period at the end of such section a semicolon and the following: "except that the provisions of section 6 of such Act of 1906 shall not apply".

34 Stat. 86. 33 USC 496.

Approved July 3, 1958.

Public Law 85-502

July 3, 1958
[H. R. 5033]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas.

Bridge.
Mississippi River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas, authorized to be built by the Arkansas-Mississippi Bridge Commission and its successors and assigns by the Act entitled "An Act creating the Arkansas-Mississippi Bridge Commission; defining the authority, power, and duties of said Commission and authorizing said Commission and its successors and assigns to construct, maintain,