

Part 506 – Exhibits

Subpart A – Public Laws and Rules

506.0 Public Law 83-566, the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. Parts 1001-1008, 1010, and 1012)

Public Law 83-566, except for Sections 7 and 11, has been codified in 16 U.S.C. Chapter 18. Except for sections 3a and 14, the sections of Public Law 83-566 do not have titles. Titles were added to the other sections when they were codified. The section numbers used here are those of the act, with the corresponding U.S. Code section numbers and titles shown in parentheses. The text, except for sections 7 and 11, is the U.S. Code version.

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Section 1 (16 U.S.C. Section 1001, “Declaration of policy”)

Erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the

environment.

Section 2 (16 U.S.C. Section 1002, “Definitions”)

For the purposes of this chapter, the following terms shall mean:

The "Secretary"—the Secretary of Agriculture of the United States.

"Works of improvement"—any undertaking for—

- (1) flood prevention (including structural and land treatment measures),
- (2) the conservation, development, utilization, and disposal of water, or
- (3) the conservation and proper utilization of land,

in watershed or subwatershed area not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than twelve thousand five hundred acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$5,000,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: Provided, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, respectively. Each project must contain benefits directly related to agriculture, including rural communities that account for at least 20 percent of the total benefits of the project. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization"—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement; or any irrigation or reservoir company, water users' association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary; or any Indian tribe or tribal organization, as defined in section 450b of title 25, having authority under Federal, State, or Indian tribal law to carry out, maintain, and operate the works of improvement.

Section 3 (16 U.S.C. Section 1003, “Assistance to local organizations”)

In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this chapter, or by the Governor if there is no State agency having such responsibility –

- (1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;
- (2) to prepare plans and estimates required for adequate engineering evaluation;

(3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;

(4) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: Provided, That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(5) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section;

(6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, energy, and recreation resources of and enhance the water quality of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or subwatershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs. The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modifications of agreements, previously entered into hereunder, as he deems desirable to carry out the purposes of this paragraph or to facilitate the practical administration of the agreements provided for herein. Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this paragraph, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of any crop; or (2) surrender of any such history and allotments.

Section 3a (16 U.S.C. Section 1003a, “Cost-share assistance”)

(a) Easements

The Secretary may provide cost-share assistance to project sponsors to enable such sponsors to acquire perpetual wetland or floodplain conservation easements to perpetuate, restore and enhance the natural capability of wetlands and floodplains to retain excessive floodwaters, improve water quality and quantity, and provide habitat for fish and wildlife.

(b) Amount

The Secretary shall require that project sponsors of watershed projects provide up to 50 percent of the cost of acquiring easements under subsection (a) of this section.

Section 4 (16 U.S.C. Section 1004, “Conditions for Federal assistance”)

The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall –

(1) acquire, or with respect to interests in land to be acquired by condemnation provide assurances satisfactory to the Secretary that they will acquire, without cost to the Federal Government from funds appropriated for the purposes of this chapter, such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance: Provided, That when a local organization agrees to operate and maintain any reservoir or other area included in a plan for public fish and wildlife or recreational development, the Secretary must be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the local organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: Provided further, That the Secretary must be authorized to participate in recreational development in any watershed project only to the extent that the need therefore is demonstrated in accordance with standards established by him, taking into account the anticipated man-days of use of the projected recreational development and giving consideration to the availability within the region of existing water-based outdoor recreational developments: Provided further, That the Secretary must be authorized to participate in not more than one recreational development in a watershed project containing less than seventy-five thousand acres, or two such developments in a project containing between seventy-five thousand and one hundred and fifty thousand acres, or three such developments in projects exceeding one hundred and fifty thousand acres: Provided further, That when the Secretary and a local organization have agreed that the immediate acquisition by the local organization of land, easements, or rights-of-way is advisable for the preservation of sites for works of improvement included in a plan from encroachment by residential, commercial, industrial, or other development, the Secretary must be authorized to advance to the local organization from funds appropriated for construction of works of improvement the amounts required for the acquisition of such land, easements or rights-of-way; and, except where such costs are to be borne by the Secretary, such advance must be repaid by the local organization, with interest, prior to construction of the works of improvement, for credit to such construction funds: Provided further, That the Secretary must be authorized to bear an amount not to exceed one-half of the costs of the land, easements, or rights-of-way acquired or to be acquired by the local organization for mitigation of fish and wildlife habitat losses, and that such acquisition is not limited to the confines of the watershed project boundaries;

(2) assume (A) such proportionate share, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs, of the costs of installing any works of improvement, involving Federal assistance (excluding engineering costs), which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water or for fish and wildlife development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land: Provided, That works of improvement for water quality management must consist

primarily of water storage capacity in reservoirs for regulation of streamflow, except that any such storage and water releases must not be provided as a substitute for adequate treatment or other methods of controlling waste at the source, and must be consistent with standards and regulations adopted by the Water Resources Council on Federal cost sharing for water quality management, and (B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating thereto must be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this chapter: Provided, That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 1006a of this title, the Secretary may pay for any storage of water for present or anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this chapter as hereinafter provided: Provided further, That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the local organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of the cost of such storage: Provided further, That the Secretary shall determine prior to initiation of construction or modification of any reservoir structure including such water supply storage that there are adequate assurances by the local organization or by an agency of the State having authority to give such assurances, that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local organization will pay not less than 50 per centum of the cost of storage for present water supply demands: And provided further, That the cost to be borne by the local organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands, except that (1) no reimbursement of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water-supply storage for anticipated future demands 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 the interest on the unpaid balance shall be determined in accordance with the provisions of section 1006a of this title.

(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) acquire, or provide assurance that landowners or water users have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement;

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the land situated in the drainage area above each retention reservoir to be installed with Federal assistance; and

(6) submit a plan of repayment satisfactory to the Secretary for any loan or advancement made under the provisions of section 1006a of this title.

Section 5 (16 U.S.C. Section 1005, “Works of improvement”)

(1) Engineering and other services; reimbursement; advances

At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 1004 of this title, the local organization may secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services: Provided, That if the local organization elects to employ a professional engineer or engineers, the Secretary shall reimburse the local organization for the costs of such engineering and other services secured by the local organization as are properly chargeable to such works of improvement in an amount not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof: Provided further, That the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated installation cost of such works.

(2) Federal construction; request by local organization

Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: Provided, that, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.

(3) Transmission of certain plans to Congress.

Whenever the estimated Federal contribution to the construction costs of works of improvement in the plan for any watershed or subwatershed area shall exceed \$5,000,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefore to the Congress through the President.

(4) Transmission of certain plans and recommendations to Congress.

Any plans for works of improvement involving an estimated Federal contribution to construction costs in excess of \$5,000,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation or irrigation, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, (c) which includes features which may affect the public health, or (d) which includes measures for control or abatement of water pollution, shall be submitted to the Secretary of the Interior, the Secretary of the Army, the Secretary of Health and Human Services, or the Administrator of the Environmental Protection Agency, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President.

(5) Rules and Regulations

Prior to any Federal participation in the works of improvement under this chapter, the President shall issue such rules and regulations as he deems necessary or desirable to

carry out the purposes of this chapter, and to assure the coordination of the work authorized under this chapter and related work of other agencies, including the Department of the Interior and the Department of the Army.

Section 6 (16 U.S.C. Section 1006, “Cooperative Programs”)

The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watershed of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.

Section 7 (Not in U.S.C.)

The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention in the watersheds of rivers and other waterways are hereby repealed: Provided, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorization to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be affected by the provisions of this section: Provided further, That in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, the Secretary of Agriculture is authorized to prosecute additional works of improvement for the conservation, development, utilization, and disposal of water in accordance with the provisions of section 4 of this Act or any amendments hereafter made thereto.

Section 8 (16 U.S.C. Section 1006a, “Loans or advancements for financing local share of costs; repayment; interest; maximum amount”)

The Secretary is authorized to make loans or advancements (a) to local organizations to finance the local share of costs of carrying out works of improvement provided for in this chapter, and (b) to State and local agencies to finance the local share of costs of carrying out works of improvement (as defined in section 1002 of this title) in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented: Provided, That the works of improvement in connection with said eleven watershed improvement programs shall be integral parts of watershed or subwatershed work plans agreed upon by the Secretary of Agriculture and the concerned State and local agencies. A loan or advance under this section shall be made under a contract or agreement that provides, under such terms and conditions as the Secretary considers appropriate, for the repayment of the loan or advance in not more than 50 years from the date when the principal benefits of the works of improvement first become available, with interest at a rate not to exceed the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity for the loan, adjusted to the nearest 1/8 of one percent. With respect to any single plan for works of improvement, the amount of

any such loan or advancement shall not exceed \$10,000,000.

Section 9 (16 U.S.C. Section 1006b, “Territorial application”)

The provisions of this chapter shall be applicable to Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

Section 10 (16 U.S.C. Section 1007, “Authorization of appropriations”)

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this chapter, such sums to remain available until expended. No appropriation hereafter available for assisting local organizations in preparing and carrying out plans for works of improvement under the provisions of section 1003 of this title or clause (a) of section 1006a of this title shall be available for any works of improvement pursuant to this chapter or otherwise in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, or for making loans or advancements to State and local agencies as authorized by clause (b) of section 1006a of this title.

Section 11 (Not in U.S.C.)

This Act may be cited as the “Watershed Protection and Flood Prevention Act.”

Section 12 (16 U.S.C. Section 1008, “Notification of Secretary of the Interior of approval of assistance; surveys and investigations; report and recommendations; consideration; cost of surveys; investigations and reports”)

When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 1003 of this title:

(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior must, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.

Section 13 (16 U.S.C. Section 1010, “Data”)

The Secretary shall collect and maintain data on a national and State by State basis concerning -

(1) expenditures for the individual flood control and conservation measures for

which assistance is provided under this chapter; and

(2) the expected flood control or environmental (including soil erosion) benefits that will result from the implementation of such measures.

Section 14 (16 U.S.C. Section 1012, “Rehabilitation of structural measures near, at, or past their evaluated life expectancy”)

(a) Definitions

For purposes of this section:

(1) Rehabilitation

The term "rehabilitation", with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include:

(A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy;

(B) correcting damage to the structural measure from a catastrophic event;

(C) correcting the deterioration of structural components that are deteriorating at an abnormal rate;

(D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or

(E) decommissioning the structure, if requested by the local organization.

(2) Covered water resource project

The term "covered water resource project" means a work of improvement carried out under any of the following:

(A) This chapter

(B) Section 13 of the Act of December 22, 1944 (Public Law 78-534; 58 Stat. 905).

(C) The pilot watershed program authorized under the heading "Flood Prevention" of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

(3) Structural measure

The term "structural measure" means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

(b) Cost-share assistance for rehabilitation

(1) Assistance authorized

The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation

include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

(2) Amount of assistance; limitations

The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

(3) Relation to land use and development regulations

As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that –

(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

(B) society can realize the full benefits of the rehabilitation investment.

(c) Technical assistance for watershed project rehabilitation

The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

(d) Prohibited use

(1) Performance of operation and maintenance

Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

(2) Renegotiation

Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b) of this section, the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

(e) Application for rehabilitation assistance

A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue

or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

(f) Ranking of requests for rehabilitation assistance

The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

(g) Prohibition on certain rehabilitation assistance

The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

(h) Funding

(i) Assessment of rehabilitation needs

The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

(j) Recordkeeping and reports

(1) Secretary

The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

(2) Grant recipients

Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.

506.1 Public Law 78-534, the Flood Control Act of 1944

PUBLIC LAWS - CHAPTER 665 December 22, 1944 [H. R. 4485]

Flood Control Act of 1944

Public Law 534

AN ACT

Authorizing the construction of certain public works on rivers and harbors for 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, In connection with the exercise of jurisdiction over the rivers of the Nation through the construction of works of improvement, for navigation or flood control, as herein authorized, it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control, as herein authorized to preserve and protect to the fullest possible extent established and potential uses, for all purposes, of the waters of the Nation's rivers; to facilitate the consideration of projects on a basis of comprehensive and coordinated development; and to limit the authorization and construction of navigation works to those in which a substantial benefit to navigation will be realized there-from and which can be operated consistently with appropriate and economic use of the waters of such rivers by other users.

In conformity with this policy:

(a) Plans, proposals, or reports of the Chief of Engineers, War Department, for any works of improvement for navigation or flood control not heretofore or herein authorized, shall be submitted to the Congress only upon compliance with the provisions of this paragraph (a). Investigations which form the basis of any such plans, proposals, or reports shall be conducted in such a manner as to give to the affected State or States, during the course of the investigations, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and, to the extent deemed practicable by the Chief of Engineers, opportunity to cooperate in the investigations. If such investigations in whole or part are concerned with the use or control of waters arising west of the ninety-seventh meridian, the Chief of Engineers shall give to the Secretary of the Interior, during the course of the investigations, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and to the extent deemed practicable by the Chief of Engineers, opportunity to cooperate in the investigations. The relations of the Chief of Engineers with any State under this paragraph (a) shall be with the Governor of the State or such official or agency of the State as the Governor may designate. The term "affected State or States" shall include those in which the works or any part thereof are proposed to be located; those which in whole or part are both within the drainage basin involved and situated in a State lying wholly or in part west of the ninety-eighth meridian; and such of those which are east of the ninety-eighth meridian as, in the judgment of the Chief of Engineers, will be substantially affected. Such plans, proposals, or reports and related investigations shall be made to the end, among other things, of facilitating the coordination of plans for the construction and operation of the proposed works with other plans involving the waters which would be used or controlled by such proposed works. Each report submitting any such plans or proposals to the Congress shall set out therein, among other things, the relationship between the plans for construction and operation of the proposed works and the plans, if any, submitted by the affected States and by the Secretary of the Interior. The Chief of Engineers shall transmit a copy of his proposed report to each affected State, and, in case the plans or proposals covered by the report are concerned with the use or control of waters which rise in whole or in part west of the ninety-seventh meridian, to the Secretary of the Interior. Within ninety days from the date of receipt of said proposed report, the written views and recommendations of each affected State and of the Secretary of the Interior may be submitted to the Chief of Engineers. The Secretary of War shall transmit to the Congress, with such comments and recommendations as he deems appropriate, the proposed report together with the submitted views and recommendations of affected States and of the Secretary of the

Interior. The Secretary of War may prepare and make said transmittal any time following said ninety-day period. The letter of transmittal and its attachments shall be printed as a House or Senate document.

(b) The use for navigation, in connection with the operation and maintenance of such works herein authorized for construction, of waters arising in States lying wholly or partly west of the ninety-eighth meridian shall be only such use as does not conflict with any beneficial consumptive use, present or future, in States lying wholly or partly west of the ninety-eighth meridian, of such waters for domestic, municipal, stock water, irrigation, mining, or industrial purposes.

(c) The Secretary of the Interior, in making investigations of and reports on works for irrigation and purposes incidental thereto must, in relation to an affected State or States (as defined in paragraph (a) of this section), and to the Secretary of War, be subject to the same provisions regarding investigations, plans, proposals, and reports as prescribed in paragraph (a) of this section for the Chief of Engineers and the Secretary of War. In the event a submission of views and recommendations, made by an affected State or by the Secretary of War pursuant to said provisions, sets forth objections to the plans or proposals covered by the report of the Secretary of the Interior, the proposed works shall not be deemed authorized except upon approval by an Act of Congress; and subsection 9 (a) of the Reclamation Project Act of 1939 (53 Stat. 1187) and subsection 3 (a) of the Act of August 11, 1939 (53 Stat. 1418), as amended, are hereby amended accordingly.

Section 2. That the words "flood control" as used in section 1 of the Act of June 22, 1936, shall be construed to include channel and major drainage improvements, and that hereafter Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and water-flow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress.

Section 3. That section 3 of the Act approved June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as amended by section 2 of the Act approved June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress), shall apply to all works authorized in this Act, 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 War Department of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of War that the required cooperation will be furnished.

Section 4. The Chief of Engineers, under the supervision of the Secretary of War, is authorized to construct, maintain, and operate public park and recreational facilities in reservoir areas under the control of the War Department, and to permit the construction, maintenance, and operation of such facilities. The Secretary of War is authorized to grant leases of lands, including structure or facilities thereon, in reservoir areas for such periods and upon such terms as he may deem reasonable: Provided, That preference shall be given to Federal, State, or local governmental agencies, and licenses may be granted without monetary consideration, to such agencies for the use of areas suitable for public park and recreational purposes, when the Secretary of War determines such action to be in the public interest. The

water areas of all such reservoirs shall be open to public use generally, without charge, for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such water areas along the shores of such reservoirs shall be maintained for general public use, when such use is determined by the Secretary of War not to be contrary to the public interest, all under such rules and regulations as the Secretary of War may deem necessary. No use of any area to which this section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts.

Section 5. Electric power and energy generated at reservoir projects under the control of the War Department and in the opinion of the Secretary of War not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the projects) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years. Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The Secretary of the Interior is authorized, from funds to be appropriated by the Congress, to construct or acquire, by purchase or other agreement, only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said projects available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies. All moneys received from such sales shall be deposited in the Treasury of the United States as miscellaneous receipts.

Section 6. That the Secretary of War is authorized to make contracts with States, municipalities, private concerns, or individuals, at such prices and on such terms as he may deem reasonable, for domestic and industrial uses for surplus water that may be available at any reservoir under the control of the War Department: Provided, That no contracts for such water shall adversely affect then existing lawful uses of such water. All moneys received from such contracts shall be deposited in the Treasury of the United States as miscellaneous receipts.

Section 7. Hereafter, it shall be the duty of the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: Provided, That this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the Lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department.

Section 8. Hereafter, whenever the Secretary of War determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under the direction of the Secretary of War may be utilized for irrigation purposes, the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report

and findings thereon have been made by the Secretary of the Interior as provided in said Federal reclamation laws and after subsequent specific authorization of the Congress by an authorization Act; and, within the limits of the water users' repayment ability such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes. Dams and reservoirs operated under the direction of the Secretary of War may be utilized hereafter for irrigation purposes only in conformity with the provisions of this section, but the foregoing requirement shall not prejudice lawful uses now existing: Provided, That this section shall not apply to any dam or reservoir heretofore constructed in whole or in part by the Army engineers, which provides conservation storage of water for irrigation purposes.

Section 9. (a) The general comprehensive plans set forth in House Document 475 and Senate Document 191, Seventy-eighth Congress, second session, as revised and coordinated by Senate Document 247, Seventy-eighth Congress, second session, are hereby approved and the initial stages recommended are hereby authorized and shall be prosecuted by the War Department and the Department of the Interior as speedily as may be consistent with budgetary requirements.

(b) The general comprehensive plan for flood control and other purposes in the Missouri River Basin approved by the Act of June 28, 1938, as modified by subsequent Acts, is hereby expanded to include the works referred to in paragraph (a) to be undertaken by the War Department; and said expanded plan shall be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers.

(c) Subject to the basin-wide findings and recommendations regarding the benefits, the allocations of costs and the repayments by water users, made in said House and Senate documents, the reclamation and power developments to be undertaken by the Secretary of the Interior under said plans shall be governed by the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except that irrigation of Indian trust and tribal lands, and repayment therefor, shall be in accordance with the laws relating to Indian lands.

(d) In addition to previous authorizations there is hereby authorized to be appropriated the sum of \$200,000,000 for the partial accomplishment of the works to be undertaken under said expanded plans by the Corps of Engineers.

(e) The sum of \$200,000,000 is hereby authorized to be appropriated for the partial accomplishment of the works to be undertaken under said plans by the Secretary of the Interior.

Section 10. That the following works of improvement for the benefit of navigation and the control of destructive flood waters and other purposes are hereby adopted and authorized in the interest of the national security and with a view toward providing an adequate reservoir of useful and worthy public works for the post-war construction program, to be prosecuted under the direction of the Secretary of War 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: Provided, That the necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this Act to be constructed by the War Department during the war, with funds from appropriations heretofore or hereafter made for flood control, so as to be ready for rapid inauguration of a post-war program of construction: Provided further, That when the existing critical situation with respect to materials, equipment, and manpower no longer exists, and in any event not later than immediately following the cessation of hostilities in the present war, the projects 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 War Department when approved by the Secretary of War on the recommendation of the Chief of Engineers and the Federal Power Commission.

LAKE CHAMPLAIN BASIN

Modifications of the existing Waterbury, Wrightsville, and East Barre Dams in the Winooski River Basin, Vermont, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 629, Seventy-eighth Congress, second session, at an -estimated cost of \$2,120,000.

BLACKSTONE RIVER BASIN

The project for the West Hill Reservoir on the West River, Massachusetts, for flood control and other purposes in the Blackstone River Basin is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 624, Seventy-eighth Congress, second session, at an estimated cost of \$1,070,000. The project on Blackstone River for local flood protection at Worcester, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 624, Seventy-eighth Congress, second session, at an estimated cost of \$2,232,000.

The project on Blackstone River for local flood protection at Woonsocket, Rhode Island, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 624, Seventy-eighth Congress, second session, at an estimated cost of \$803,000.

The project on Seekonk River, for local flood protection at Pawtucket, Rhode Island, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 624, Seventy-eighth Congress, second session, at an estimated cost of \$82,000.

CONNECTICUT RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$30,000,000 for the prosecution of the comprehensive plan approved in the Act of June 28, 1938. as modified by the Act approved August 18, 1941, for the Connecticut River Basin: Provided, Nothing in this Act or in any previous authorization shall be construed to authorize the construction of a dam, other than a flood control type dam, on the main stream of the West River in the towns of Dummerston or Newfane in the State of Vermont: Provided further, That the Army Engineers are authorized and directed to construct eight reservoirs in the West River Basin in Vermont instead of the flood control reservoir authorized by existing law, known as the Williamsville Reservoir in the above mentioned towns, in accordance with an alternative plan submitted by the Vermont State Water Conservation Board as the same may be modified by agreement between the said Board and the Secretary of War and the Chief of Engineers, provided that the Secretary of War determines that the total costs of the alternate plan shall not exceed the sum of \$11,000,000 and that the amount of flood control secured by them at the entrance of the waters of the West River into the Connecticut River shall not be less than seventy-five per centum of the flood control which may be secured from the single so-called Williamsville Reservoir now authorized to be constructed by the Army Engineers. Plans, proposals, or reports heretofore authorized for construction at Cambridgeport, Ludlow, South Tunbridge, and Gaysville, in the Connecticut River Basin, or any modification hereafter made of the comprehensive plan for the Connecticut River Basin

in Vermont under authority of the Flood Control Act approved June 28, 1938, or of section 3 of the Flood Control Act approved August 18, 1941, shall not be carried out until after compliance with the provisions of paragraph (a) of section 1 of this Act: Provided further, That neither this authorization nor any previous authorization shall be construed to authorize the construction of a dam or reservoir at the Sugar Hill site on the Ammonoosuc River.

THAMES RIVER BASIN

In addition to previous authorizations, there is hereby authorized the completion of the plan approved in the Act of August 18, 1941, for the Thames River Basin at an estimated cost of \$7,200,000.

HOUSATONIC RIVER BASIN

The project for the Thomaston Reservoir on the Naugatuck River, for flood control in the Housatonic River Basin, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 338, Seventy-seventh Congress, first session, at an estimated cost of \$5,151,000.

SUSQUEHANNA RIVER BASIN

The project authorized by the Act of June 22, 1939, to provide for local protection works on the Susquehanna River at Harrisburg, Pennsylvania, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 702, Seventy-seventh Congress, second session, at an estimated cost of \$2,227,000.

The project for flood protection at Tyrone, Pennsylvania, on the Little Juniata River, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 702, Seventy-seventh Congress, second session, at an estimated cost of \$1,392,000.

The plan for flood control in southern New York and eastern Pennsylvania authorized by the Act of June 22, 1936, as modified by the Act of August 18, 1941, is hereby further modified to include the South Plymouth and Genegantslet Reservoirs on tributaries of the Chenango River substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 702, Seventy-seventh Congress, second session, at an estimated additional cost of \$4,755,000.

ROANOKE RIVER BASIN

The general plan for the comprehensive development of the Roanoke River Basin for flood control and other purposes recommended by the Chief of Engineers in House Document Numbered 650, Seventy-eighth Congress, second session, is approved and the construction of the Buggs Island Reservoir on the Roanoke River in Virginia and North Carolina, and the Philpott Reservoir on the Smith River in Virginia, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in that report at an estimated cost of \$36,140,000.

EDISTO RIVER BASIN

The project for local flood control on Edisto River, South Carolina, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 182, Seventy-eighth Congress, second session, at an estimated cost of \$139,000.

SAVANNAH RIVER BASIN

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The general plan for the comprehensive development of the Savannah River Basin for flood control and other purposes recommended by the Chief of Engineers in House Document Numbered 657, Seventy-eighth Congress, second session, is approved and the construction of the Clark Hill Reservoir on the Savannah River in South Carolina and Georgia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in that report at an estimated cost of \$35,300,000.

MOBILE RIVER BASIN-ALABAMA-COOSA RIVER BASIN

In addition to previous authorizations, there is hereby authorized the completion of the Allatoona Reservoir on the Etowah River, Georgia approved in the Act of August 18, 1941, at an estimated cost of \$14,400,000.

LOWER MISSISSIPPI RIVER

The project for flood control and improvement of the Lower Mississippi River adopted by the Act of May 15, 1928, as amended by subsequent Acts of Congress, is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 509, Seventy-eighth Congress, second session, and, as modified, is hereby adopted and there is hereby authorized to be appropriated, in addition to the sums previously authorized, \$200,000,000 for the accomplishment of the purposes set forth in said document.

Paragraph (d) of the Lower Mississippi River item in section 3 of the Flood Control Act of August 18, 1941, is hereby construed to authorize reimbursement for the actual market value of lands, rights-of-way, and easements, furnished subsequent to August 18, 1941, for set-backs of main-line Mississippi River levees, regardless of State laws limiting payments to local tax assessment valuations.

The project for flood control on the Boeuf and Tensas Rivers and Bayou Macon, Arkansas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 151, Seventy-eighth Congress, second session, at an estimated cost of \$5,013,000.

The project for flood control on the Big Sunflower, Little Sunflower, Hushpuckena, and Quiver Rivers and their tributaries, and on Hull Brake-Mill Creek Canal, Bogue Phalia, Ditchlow Bayou, Deer Creek, and Steele Bayou, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 516, Seventy-eighth Congress, second session, at an estimated cost of \$3,752,000.

The project for flood protection in the backwater area of the Yazoo River authorized in the Flood Control Act of August 18, 1941, is hereby amended to authorize the Chief of Engineers, in his discretion, to include improvements for the protection of the Satartia area at an estimated additional cost of \$1,061,000 or, in his discretion, to include improvements for the protection of the Satartia area plus its extension at an estimated additional cost of \$1,952,000.

RED-OUACHITA RIVER BASIN

In addition to previous authorizations, there is hereby authorized the completion of the plan approved in the Act of August 18, 1941, for the Little Missouri River in Arkansas, at an estimated cost of \$3,800,000.

The project on Red River in the vicinity of Shreveport, Louisiana, for flood control and bank protection is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 627, Seventy-eighth Congress, second session, at an estimated cost of \$3,000,000, except that, in view of the large

expenditure already made by local interests, they shall not be required to contribute to the construction cost.

The project for the Blakely Mountain Dam on the Ouachita River, for flood control and other purposes in the Ouachita River Basin, Arkansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 647, Seventy-eighth Congress, second session, at an estimated cost of \$11,080,000.

ARKANSAS RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$35,000,000 for the prosecution of the comprehensive plan approved in the Act of June 28, 1938, as modified by the Act approved August 18, 1941, for the Arkansas River Basin.

The projects for local flood protection on the Arkansas River are hereby modified and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 447, Seventy-eighth Congress, second session, at an estimated additional cost of \$10,299,400.

The project on tributaries of the Fontaine Que Bouille River for flood protection at Colorado Springs, Colorado, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 186, Seventy-eighth Congress, first session, at an estimated cost of \$500,000.

The project on Purgatoire River for local flood protection at Trinidad, Colorado, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 387, Seventy-eighth Congress, second session, at an estimated cost of \$909,000.

WHITE RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$45,000,000 for the prosecution of the comprehensive plan approved in the Act of June 28, 1938, as modified by the Act approved August 18, 1941, for the White River Basin.

UPPER MISSISSIPPI RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$10,000,000 for the prosecution of the comprehensive plan approved in the Act of June 28, 1938, for the Upper Mississippi River Basin, including the project for the Red Rock Dam on the Des Moines River for flood control and other purposes, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 651, Seventy-eighth Congress, second session, at an estimated cost of \$15,000,000.

The project authorized by the Act of June 22, 1936, for local flood protection on the Mississippi River at the Sainte Genevieve Levee District Numbered 1, Missouri, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 727, Seventy-seventh Congress, second session, at an estimated cost of \$141,000.

The project on the Des Moines River for local flood protection of Des Moines, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 651, Seventy-eighth Congress, second session, at an estimated cost of \$270,000.

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The project on the Mississippi River for local flood protection at Sabula, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 328, Seventy-seventh Congress, first session, at an estimated cost of \$25,000.

The project on the Galena River, for local flood protection at Galena, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 336, Seventy-seventh Congress, first session, at an estimated cost of \$418,000.

The project for flood control on the Illinois River is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 692, Seventy-seventh Congress, second session, at an estimated cost of \$111,500.

The project for flood control on Farm Creek, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 802, Seventy-eighth Congress, second session, at an estimated cost of \$3,017,900.

The project on Elk Creek and Turkey River for local flood protection at Elkport, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 700, Seventy-seventh Congress, second session, at an estimated cost of \$18,000.

RED RIVER OF THE NORTH BASIN

The projects for flood control for Red Lake River, Minnesota, including Clearwater River, Minnesota, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 345, Seventy-eighth Congress, first session, at an estimated cost of \$902,940.

The project for the Bald Hill Reservoir on the Sheyenne River for flood control and other purposes in the Sheyenne River Basin, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 193, Seventy-eighth Congress, second session, at an estimated cost of \$810,000.

The projects for the construction of one reservoir on the Pembina River and one on the Tongue River for flood control and other purposes in the Pembina River Basin, North Dakota, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 565, Seventy-eighth Congress, second session, at an estimated cost of \$333,800.

The project for the construction of a reservoir on the South Branch of Park River for flood control and other purposes in the Park River Basin, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 194, Seventy-eighth Congress, second session, at an estimated cost of \$358,610.

MISSOURI RIVER BASIN

The project adopted by the Act of June 22, 1936, to provide flood protection for the Kansas Citys, Kansas and Missouri, is hereby modified and extended to provide for improvement substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 342, Seventy-eighth Congress, first session, at an estimated additional cost for the modified project of \$8,445,000.

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In addition to previous authorizations, there is hereby authorized the completion of the plan approved in the Act of August 18, 1941, for Cherry Creek and tributaries, Colorado, at an estimated cost of \$7,500,000.

The project on Knife River for local flood control at Beulah, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 252, Seventy-eighth Congress, first session, at an estimated cost of \$26,100.

The project on Knife River for local flood control at Hazen, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 252, Seventy-eighth Congress, first session, at an estimated cost of \$6,600.

The project on Milk River adopted by the Act of June 22, 1936, to provide local flood protection at Harlem, Montana, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 103, Seventy-eighth Congress, first session, at an estimated cost of \$21,100.

The project on Milk River for local flood protection at Havre, Montana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 103, Seventy-eighth Congress, first session, at an estimated cost of \$313,100.

The project on Boyer River for local flood control on East Fork of Boyer River at Denison, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 254, Seventy-eighth Congress, first session, at an estimated cost of \$17,830.

The project on Nishnabotna River for local flood control at Hamburg, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 253, Seventy-eighth Congress, first session, at an estimated cost of \$236,000.

The plan of improvement for local flood protection on the Chariton River, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 628, Seventy-eighth Congress, second session, at an estimated cost of \$1,610,300.

The project on Bear Creek for local flood protection at Morrison, Colorado, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in House Document Numbered 356, Seventy-eighth Congress, first session, at an estimated cost of \$220,000.

OHIO RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$70,000,000 for the prosecution of the comprehensive plan approved in the Act of June 28, 1938, as modified by the Act approved August 18, 1941, for the Ohio River Basin, including the following projects in tributary basins, namely:

The local flood protection works in the Lake Chautauqua and Chadakoin River area, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 685, Seventy-seventh Congress, second session, at an estimated cost of \$135,500;

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The local flood protection works at Dillonvale and Adena on Short Creek, Ohio, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 889, Seventy-seventh Congress, second session, at an estimated cost of \$158,200;

The local flood protection works at Taylorsville on Salt River, Kentucky, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 105, Seventy-eighth Congress, first session, at an estimated cost of \$129,350;

The local flood protection works at Latrobe on Loyalhanna Creek, Pennsylvania, substantially in accordance with the recommendations, of the Chief of Engineers in House Document Numbered 444, Seventy-eighth Congress, second session, at an estimated cost of \$112,500;

The plan of improvement for flood control and other purposes in the Kentucky River Basin, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 504, Seventy-eighth Congress, second session, at an estimated cost of \$23,822,000;

The local flood protection works at Middlesborough on Yellow Creek, Kentucky, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 495, Seventy-eighth Congress, second session, at an estimated cost of \$205,200;

The local flood protection works on the Rough River and tributaries, Kentucky, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 535, Seventy-eighth Congress, second session, at an estimated cost of \$360,000;

The Turtle Creek Reservoir on Turtle Creek, Pennsylvania, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 507, Seventy-eighth Congress, second session, at an estimated cost of \$2,613,000;

The Burr Oak Reservoir on the Hocking River, Ohio, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 762, Seventy-seventh Congress, second session, at an estimated cost of \$400,000.

Neither this authorization nor any previous authorization shall be construed to authorize the construction of the Shoals Dam on the East Fork of the White River in Martin County, Indiana, pending submission and adoption by Congress of the report authorized in the, Flood Control Act of August 11, 1939.

That the general comprehensive plan for flood control and other purposes, approved in the Flood Control Act of June 28, 1938, for the Ohio River Basin, is hereby modified to include the construction of flood-control works for the protection of Ridgway, Johnsonburg, Saint Marys, and Brockway and vicinity in the State of Pennsylvania.

GREAT LAKES BASIN

The project for the Panther Mountain Reservoir on Moose River, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 405, Seventy-seventh Congress, first session, at an estimated cost of \$600,000.

The project for flood control on Chittenango Creek and tributaries, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in

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House Document Numbered 625, Seventy-seventh Congress, second session, at an estimated cost of \$111,000.

The projects for flood control on Owasco Inlet and Outlet, Montville and Dry Creeks, State Ditch, and Crane Brook, New York, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 815, Seventy-seventh Congress, second session, at an estimated cost of \$64,200.

The project for the Mount Morris Reservoir on the Genesee River, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 615, Seventy-eighth Congress, second session, at an estimated cost of \$5,360,000.

COLORADO RIVER BASIN (TEXAS)

In addition to previous authorizations, there is hereby authorized the completion of the plan approved in the Act of August 18, 1941, for the North Concho River, Texas, at an estimated cost of \$4,800,000.

In addition to previous authorizations, there is hereby authorized the completion of the plan approved in the Act of August 18, 1941, for Pecan Bayou, Texas, at an estimated cost of \$1,560,000.

BRAZOS RIVER BASIN

In addition to previous authorizations, there is hereby authorized the completion of Whitney Reservoir in accordance with the plan approved in the Act of August 18, 1941, for the Brazos River Basin, at an estimated cost of \$15,000,000.

RIO GRANDE BASIN

The project on Willow Creek for local flood protection at Creede, Colorado, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 104, Seventy-eighth Congress, first session, at an estimated cost of \$68,500.

GREAT SALT BASIN

The project on the Sevier River for local flood protection at Redmond, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 614 Seventy-eighth Congress, second session, at an estimated cost of \$281,000.

COLORADO RIVER BASIN

The project for the Alamo Reservoir on the Bill Williams River, Arizona, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 625, Seventy-eighth Congress, second session, at an estimated cost of \$3,202,000.

The project on the Little Colorado River for local flood protection at Holbrook, Arizona, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 648, Seventy-eighth Congress, second session, at an estimated cost of \$258,000.

SAN DIEGO RIVER BASIN

The project on the San Diego River for local flood protection at San Diego, California, is hereby authorized substantially in accordance with the recommendations of the Chief of

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Engineers in House Document Numbered 635, Seventy-seventh Congress, second session, at an estimated cost of \$370,000.

VENTURA RIVER BASIN

The projects on the Ventura River and tributaries for local flood protection at Ventura and Ojai, California, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 323, Seventy-seventh Congress, first session, at an estimated cost of \$1,600,000.

SANTA ANA RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$10,000,000 for the prosecution of the projects approved in the Act of June 22, 1936, as modified by the Act of June 28, 1938, for the Santa Ana River Basin and for the protection of Orange County, California, including the projects on Lytle and Cajon Creeks for local flood protection at San Bernardino and Colton, California, in accordance with the recommendations contained in the report of the Chief of Engineers dated February 11, 1944.

LOS ANGELES-SAN GABRIEL BASIN AND BALLONA CREEK

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$25,000,000 for the prosecution of the comprehensive plan approved in the Act of August 18, 1941, for Los Angeles and San Gabriel Rivers and Ballona Creek, California.

PAJARO RIVER BASIN

The plan of improvement for local flood protection on the Pajaro River and tributaries, California is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 505, Seventy-eighth Congress, second session, at an estimated cost of \$511,160.

SACRAMENTO-SAN JOAQUIN RIVER BASIN

SACRAMENTO RIVER

The projects for the control of floods and other purposes on the Sacramento River, California, adopted by the Acts approved March 1, 1917, May 15, 1928, August 26, 1937, and August 18, 1941, are hereby modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 649, Seventy-eighth Congress, second session, at an estimated cost of \$50,100,000; and in addition to previous authorizations there is hereby authorized to be appropriated the sum of \$15,000,000 for the prosecution of the modified projects: Provided, That this modification of the project shall not be construed to authorize the construction of a high dam at the Table Mountain site but shall authorize only the low-level project to approximately the elevation of four hundred feet above mean sea level, said low-level dam to be built on a foundation sufficient for such dam and not on a foundation for future construction of a higher dam.

The project for the Folsom Reservoir on the American River, California, is hereby authorized substantially in accordance with the plans contained in House Document Numbered 649, Seventy-eighth Congress, second session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, at an estimated cost of \$18,474,000.

SAN JOAQUIN RIVER

The project for the Isabella Reservoir on the Kern River for flood control and other purposes in the San Joaquin Valley, California, is hereby authorized substantially in

accordance with the recommendations of the Chief of Engineers in his report dated January 26, 1944, contained in House Document Numbered 513, Seventy-eighth Congress, second session, at an estimated cost of \$6,800,000.

The plan for the Terminus and Success Reservoirs on the Kaweah and Tule Rivers for flood control and other purposes in the San Joaquin Valley, California, in accordance with the recommendations of the Chief of Engineers in Flood Control Committee Document Numbered 1, Seventy-eighth Congress, second session, is approved, and there is hereby authorized \$4,600,000 for initiation and partial accomplishment of the plan.

The project for flood control and other purposes for the Kings River and Tulare Lake Basin, California, is hereby authorized substantially in accordance with the plans contained in House Document Numbered 630, Seventy-sixth Congress, third session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable at an estimated cost of \$19,700,000: Provided, That the conditions of local cooperation specified in said document shall not apply: Provided further, That the Secretary of War shall make arrangements for payment to the United States by the State or other responsible agency, either in lump sum or annual installments, for conservation storage when used: Provided further, That the division of costs between flood control, and irrigation and other water uses shall be determined by the Secretary of War on the basis of continuing studies by the Bureau of Reclamation, the War Department, and the local organizations.

The plan of improvement for local flood protection on various streams in the Merced County Stream Group in the San Joaquin Valley is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 473, Seventy-eighth Congress, second session, at an estimated cost of \$1,300,000.

The plan of improvement for flood control and other purposes on the Lower San Joaquin River and tributaries, including Tuolumne and Stanislaus Rivers, in accordance with the recommendations of the Chief of Engineers in Flood Control Committee Document Numbered 2, Seventy-eighth Congress, second session, is approved, and there is hereby authorized \$8,000,000 for initiation and partial accomplishment of the plan.

The plan of improvement for flood control and other purposes on the Calaveras River and Littlejohn Creek and tributaries, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 545, Seventy-eighth Congress, second session, at an estimated cost of \$3,868,200.

NAPA RIVER BASIN

The project for the Conn Creek Reservoir on Conn Creek for flood control and other purposes in the Napa River Basin, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 626, Seventy-eighth Congress, second session, at an estimated cost of \$460,000.

COQUILLE RIVER BASIN

The project for flood protection on the Coquille River, Oregon, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 620, Seventy-seventh Congress, second session, at an estimated cost of \$143,000.

NEHALEM RIVER BASIN

The project for flood protection on the Nehalem River, Oregon, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House

Document Numbered 621 Seventy-seventh Congress, second session, at an estimated cost of \$23,000.

WILLAMETTE RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$20,000,000 for the prosecution of the comprehensive plan approved in the Act of June 28, 1938, for the Willamette River Basin, with such modifications thereof as in the discretion of the Chief of Engineers may be advisable.

COLUMBIA RIVER BASIN

The projects on the Snake River for local flood protection at Heise, Roberts, and Weiser, Idaho, are hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 452, Seventy-seventh Congress, first session, at an estimated cost of \$743,000.

The projects on the Palouse River and tributaries for local flood protection at Pullman and Colfax, Washington, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 888, Seventy-seventh Congress, second session, at an estimated cost of \$478,000.

The project on Alkali Canyon for local flood protection at Arlington, Oregon, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 631, Seventy-seventh Congress, second session, at an estimated cost of \$118,000.

WILLAPA RIVER BASIN

The project on the Willapa River for local flood protection at Raymond, Washington, is hereby authorized substantially in accordance with the recommendations *of the Chief of Engineers in House Document Numbered 701, Seventy-seventh Congress, second session, at an estimated cost of \$127,000.

CHEHALIS RIVER BASIN

The project on Chehalis River for local flood protection at Hoquiam, Aberdeen, and Cosmopolis, Washington, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 494, Seventy-eighth Congress, second session, at an estimated cost of \$669,000.

TERRITORY OF HAWAII

The project on the Hanapepe River for local flood protection at Hanapepe, Island of Kauai, Territory of Hawaii, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in the report submitted to Congress by the Secretary of War on March 15, 1944, at an estimated cost of \$73,000.

Section 11. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control and allied purposes, including channel and major drainage improvements, 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, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and waterflow retardation and soil-erosion prevention on such drainage areas; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: Provided, That after the regular or formal reports made on any examination, survey, project, or work under way or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except

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that the Secretary of War may cause a review of any examination or survey to be made and a report thereon submitted to the Congress if such review is required by the national defense or by changed physical or economic conditions: And provided further, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this Act until the project for the proposed work shall have been adopted by law:

Pasquotank River North Carolina.

Chipola River, Alabama and Florida.

Wacasassa River and its tributaries, Florida, and of adjacent areas in Gilchrest and Levy Counties, Florida.

Oklawaha River and its tributaries, Florida, and of adjacent areas in Alachua and Marion Counties, Florida.

Clear Fork of the Mohican River, in Richland County, Ohio.

Hocking River in Hocking County, Ohio.

Leatherwood Creek, Ohio, with particular reference to flood control and water supply for Cambridge, Ohio.

For flood control, rice irrigation, navigation, pollution, salt-water intrusion, and drainage on all streams and bayous in southwest Louisiana, west of the West Atchafalaya Basin protection levee, and south of the latitude of Boyce; on all streams and bayous in Louisiana lying between the East Atchafalaya Basin protection levee and the Mississippi River; and on Amite River and tributaries, Louisiana.

Choctawhatchee River, Florida.

Scajaquada Creek and its tributaries, New York.

Susquehanna River in the vicinity of Endicott, Johnson City, and Vestal, New York.

Absecon Island, New Jersey, with a view to the protection of Atlantic City, Ventnor, Margate City, Longport, and other areas on the New Jersey coast, that have been affected from floods due to tide and wind.

Juniata River and tributaries, Pennsylvania, with special reference to the proposed Raystown Reservoir.

Rehoboth Beach, Bethany Beach, Lewes, and Fenwick Island, Delaware, and other points along the Delaware coast, with a view to providing protection against damage resulting from erosion and from floods due to wind and tide.

Buffalo River, Minnesota.

Wild Rice River, Minnesota.

Marsh River, Minnesota.

Sand Hill River, Minnesota.

Red Lake River, Minnesota.

Roseau River, Minnesota.

Snake River, Minnesota.

Middle River, Minnesota.

Tamarac River, Minnesota.

Two Rivers, Minnesota.

Warroad River and Bull Dog Creek, Minnesota.

Mississippi River and its tributaries, in the county of Aitkin, Minnesota.

Apple River, Jo Daviess County, Illinois.

Maumee River, Indiana and Ohio.

Indian Creek, Indiana.

Youghiogheny River Basin, Pennsylvania and Maryland.

Reno Beach, Lucas County, Ohio, with a view to protection of the Reno Beach-Howards Farm area and adjacent areas from floods caused by frequent windstorms and from increases in the lake level of Lake Erie.

Arkansas River above Pine Bluff, Arkansas, with special reference to control of caving banks in the vicinity of Hensley Bar and the McFadden Place, in Jefferson County, Arkansas.

Osage River, Missouri and Kansas.

Big Canyon on Washita River in Murray County, Oklahoma.

Deep Red Run in Tillman County, Oklahoma; Big Elk Creek, Little Elk Creek, Salt Fork, Elm Creek, Saddle Mountain, Turkey Creek, Oklahoma.

San Rafael Creek and its tributaries, California.

Napa River, California.

Grand River, South Dakota.

Moreau River, South Dakota.

Corte Madera Creek, Marin County, California.

Bayamon and Hondo Rivers and their tributaries, Municipality of Bayamon, Puerto Rico.

Elkhorn River and its tributaries, Nebraska.

Section 12. That the sum of \$950,000,000 is hereby authorized to be appropriated for carrying out the improvements herein by the War Department, the sum of \$10,000,000 additional is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examination or survey provided for in this Act and any other Acts of Congress, to be prosecuted by said Departments. The sum of \$1,500,000 additional is authorized to be appropriated and expended by the Federal Power Commission for carrying out any examinations and surveys provided for in this Act or any other Acts of Congress, to be prosecuted by the said Federal Power Commission.

The sum of \$500,000 additional is authorized to be appropriated as an emergency fund to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the construction of emergency bank protection works to prevent flood damage to highways, bridge approaches and public works: Provided, That pending the appropriation of said sum the Secretary of War may allot from existing flood control appropriations such sums as may be necessary for the immediate prosecution of such bank protection works; such appropriations to be reimbursed from the appropriation herein authorized when made.

Section 13. That the following works of improvement for run-off and waterflow retardation, and soil-erosion prevention, are hereby adopted and authorized in the interest of the national security and with a view toward an adequate reservoir of useful and worthy public works for the post-war construction program to be prosecuted by the Department of Agriculture, under the direction of the Secretary of Agriculture, in accordance with the plans of the respective reports hereinafter designated and subject to the conditions set forth therein: Provided, That the necessary plans and preliminary work may be prosecuted during the war with funds from appropriations heretofore or hereafter made for such works so as to be ready for rapid inauguration of post-war construction: Provided further, That when the existing critical situation with respect to materials, equipment, and manpower, no longer exists and in any event not later than immediately following the cessation of hostilities in the present war, the projects herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements: Provided further, That nothing in this section shall be construed as approving or authorizing the acquisition of any land by the Federal Government until the legislature of the State in which the land lies shall have consented to the acquisition of lands by the United States for the purposes within the scope of this section: Provided further, That there shall be paid annually to the county in which any lands acquired under this section may lie, a sum equal to one per centum of the purchase price paid for the lands acquired in that county or, if not acquired by purchase, one per centum of their valuation at the time of their acquisition.

LOS ANGELES RIVER BASIN

The program on the Los Angeles River watershed is hereby approved substantially in accordance with the recommendation of the Under Secretary of Agriculture in House Document Numbered 426, Seventy-seventh Congress, first session, at an estimated cost to the United States of \$8,380,000.

SANTA YNEZ RIVER WATERSHED

The program on the Santa Ynez River watershed is hereby approved substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document Numbered 518, Seventy-eighth Congress, first session, at an estimated cost to the United States of \$434,000.

TRINITY RIVER BASIN (Texas)

The program on the Trinity River watershed is hereby approved substantially in accordance with the recommendation of the Secretary of Agriculture in House Document Numbered 708, Seventy-seventh Congress, second session, at an estimated cost to the United States of \$32,000,000.

LITTLE TALLAHATCHIE RIVER WATERSHED

The program on the Little Tallahatchie River watershed is hereby approved substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document Numbered 892, Seventy-seventh Congress, second session, at an estimated cost to the United States of \$4,221,000.

YAZOO RIVER WATERSHED

The program on the Yazoo River watershed is hereby approved substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document Numbered 564, Seventy-eighth Congress, second session, at an estimated cost to the United States of \$21,700,000.

COOSA RIVER WATERSHED (Above Rome, Georgia)

The program on the Coosa River watershed above Rome, Georgia, is hereby approved substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document Numbered 236, Seventy-eighth Congress, first session, at an estimated cost to the United States of \$1,233,000.

LITTLE SIOUX RIVER WATERSHED

The program on the Little Sioux River watershed is hereby approved substantially in accordance with the recommendation of the Assistant Secretary of Agriculture in House Document Numbered 268, Seventy-eighth Congress, first session, at an estimated cost to the United States of \$4,280,000.

POTOMAC RIVER WATERSHED

The program on the Potomac River watershed is hereby approved substantially in accordance with the recommendation of the Assistant Secretary of Agriculture in House Document Numbered 269, Seventy-eighth Congress, first session, at an estimated cost to the United States of \$859,000.

BUFFALO CREEK WATERSHED (New York)

BUFFALO, CAYUGA, AND CAZENOVIA CREEKS

The program on the watershed of Buffalo Creek and its tributaries, Cayuga, and Cazenovia Creeks, is hereby approved substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document Numbered 574, Seventy-eighth Congress, second session, at an estimated cost to the United States of \$739,000.

COLORADO RIVER WATERSHED (Texas)

The program on those portions of the Colorado River watershed included in the watersheds of Pecan Bayou, San Saba River, Brady Creek, and the area tributary to the main stream of the Colorado River below its confluence with the Concho River and above the mouth of Pecan Bayou, is hereby approved substantially in accordance with the recommendation of the Assistant Secretary of Agriculture in House Document Numbered 270, Seventy-eighth Congress, first session, at an estimated cost to the United States of \$2,693,000.

WASHITA RIVER WATERSHED

The program on the Washita River watershed is hereby approved substantially in accordance with the recommendation of the Under Secretary of Agriculture in House Document Numbered 275, Seventy-eighth Congress, first session, at an estimated cost to the United States of \$11,243,000.

Section 14. That the balance remaining from the authorization of \$10,000,000 provided in section 7 of the Flood Control Act approved June 28, 1938, for the five-year period ending June 30, 1944, to correlate the program for the improvement of watersheds by the Department of Agriculture for measures of run-off and waterflow retardation and soil-erosion prevention on the watersheds with the program for the improvement of rivers and other waterways by the Department of War is hereby reauthorized to be expended during the postwar period by the Department of Agriculture for the prosecution of the work authorized in section 13 of this Act: Provided, That not more than 20 per centum of the authorization made available herein shall be expended on any one project.

Section 15. That section 7 of the Act of June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress), is hereby amended by adding at the end of the first sentence thereof the following: "The Secretary of Agriculture is hereby authorized in his discretion to undertake

such emergency measures for run-off retardation and soil-erosion prevention as may be needed to safeguard lives and property from floods and the products of erosion on any watershed whenever fire or any other natural element or force has caused a sudden impairment of that watershed: Provided, That not to exceed \$100,000 out of any funds heretofore or hereafter appropriated for the prosecution by the Secretary of Agriculture of works of improvement or measures for run-off and waterflow retardation and soil-erosion prevention on watersheds may be expended during any one fiscal year for such emergency measures."

Approved December 22, 1944.

506.2 Codified Rule – 7 CFR Part 622, Watershed Projects

TITLE 7 – AGRICULTURE

CHAPTER VI--NATURAL RESOURCES CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

PART 622 – WATERSHED PROJECTS

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Subpart A – General

Section 622.1 – Purpose.

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This part sets forth the general policies for planning and carrying out watershed projects under Pub. L. 83-566, 68 Stat. 666 (16 U.S.C. 1001 et seq.) and flood prevention projects under Pub. L. 78-534, 58 Stat. 889 (33 U.S.C. 701b-1).

Section 622.2 – Scope.

A. To assist sponsors in preparing and carrying out watershed plans, the Natural Resources Conservation Service (NRCS) shall conduct investigations and surveys, with the cooperation and assistance of other Federal agencies, to:

- (1) Determine the extent of watershed problems and needs, and
- (2) Set forth viable alternative solutions consistent with local, regional, and national objectives, including an alternative solution which makes the greatest net contribution to national economic development.

B. Alternatives will consist of either land treatment, nonstructural or structural measures, or combinations thereof that will help accomplish one or more of the authorized project purposes.

C. Authorized project purposes are watershed protection, conservation and proper utilization of land, flood prevention, agricultural water management including irrigation and drainage, public recreation, public fish and wildlife, municipal and industrial water supply, hydropower, water quality management, ground water supply, agricultural pollution control, and other water management.

D. After a final plan for works of improvement is agreed upon between NRCS and the sponsors and the approval processes are completed, NRCS will provide technical and financial assistance to install the project, subject to the availability of funds and the budgeting and fiscal policies of the President.

Section 622.3 – Relationship to the Public Law 78-534 Program.

A. General. The purposes and objectives of the programs under Pub. L. 83-566 and Pub. L. 78-534 are the same in most cases. Planning criteria, economic justification, local sponsorship, agency participation, financial assistance, eligible measures, operation and maintenance arrangements for the Pub. L. 78-534 program are consistent with those of the Pub. L. 83-566 program. The differences with the Pub. L. 78-534 program are outlined below.

B. Initiation. Flood prevention projects are individually authorized by Federal legislation. The STC and the sponsors agree on a plan of action and notify interested parties to solicit their participation. The sponsors keep the public informed and solicit their views and comments.

C. Subwatershed plans. These plans are administratively approved by the STC. If the plan involves purposes other than flood prevention, clearance shall be obtained from the Office of Management and Budget before approval. Financial assistance available differs only in that program funds may be used for the purchase of land rights for single-purpose flood prevention structures and installing land treatment on Federal lands.

D. Installation. NRCS shall award and administer contracts for the installation of project measures unless the sponsors agree to perform the work. Project agreements between the sponsors and NRCS are not required if the work consists of flood prevention structures built and funded by NRCS.

Section 622.4 – Relationship to other agencies.

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NRCS will coordinate responsibilities with other water and land resource development agencies on projects that may come under the jurisdictions of various authorities. This will include any land management agencies which may have land which would be affected by project measures. Coordination with the U.S. Department of the Interior's Fish and Wildlife Service will be in accordance with section 12 of Pub. L. 83-566 (as amended).

Section 622.5 – Guidelines.

Guidelines for carrying out programs authorized under Pub. L. 83-566 and Pub. L. 78-534 are contained in miscellaneous instructions, manuals, and handbooks issued by the Natural Resources Conservation Service, Regulations for Implementing NEPA (40 CFR Parts 1500-1508) issued by the Council on Environmental Quality, and in Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies issued by the Water Resources Council. Watershed projects are to be planned and carried out in a way that will conform to conditions mandated by the above and other applicable laws, Executive orders, and codified rules.

Section 622.6 – Equal opportunity.

The Public Law 83-566 and Public Law 78-534 programs will be conducted in compliance with all requirements respecting nondiscrimination as contained in the Civil Rights Act of 1964, as amended, and in the regulations of the Secretary of Agriculture (7 CFR Part 15), which provide that no person in the United States must, on the grounds of race, color, national origin, sex, age, handicap, or religion be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted or assisted by the Department of Agriculture.

Section 622.7 – Notification under Executive Order 12372.

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs" and 7 CFR Part 3015, Subpart V, "Intergovernmental Review of the Department of Agriculture Programs and Activities." State processes or directly affected State, areawide, regional and local officials and entities have 60 days for comment starting from the date of submission of the application to the State Single Point of Contact.

Subpart B – Qualifications

Section 622.10 – Sponsors.

A. Watershed projects are sponsored by one or more local organizations qualifying as sponsors. All watershed plans shall be sponsored by entities legally organized under State law or by any Indian tribe or tribal organization having the authority to carry out, operate and maintain works of improvement. Those plans that incorporate the use of nonstructural or structural measures shall be sponsored by organizations that, individually or collectively, have:

- (1) The power of eminent domain,
- (2) The authority to levy taxes or use other adequate funding sources, including state, regional, or local appropriations, to finance their share of the project cost and all operation and maintenance costs.

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B. To receive Federal assistance for project installation, sponsors shall commit themselves to use their powers and authority to carry out and maintain the project as planned.

Section 622.11 – Eligible watershed projects.

A. To be eligible for Federal assistance, a watershed project must:

- (1) Meet the definition of a watershed area as defined in NRCS's National Watershed Manual.
- (2) Not exceed 250,000 acres in size.
- (3) Not include any single structure that provides more than 12,500 acre-feet of floodwater detention capacity nor more than 25,000 acre-feet of total capacity.
- (4) Have significant land or water management problems that can be solved or alleviated by measures for watershed protection, flood prevention, drainage, irrigation, recreation, fish and wildlife, municipal or industrial water supply, or other water management.
- (5) Produce substantial benefits to the general public, to communities, and to groups of landowners.
- (6) Cannot be installed by individual or collective landowners under alternative cost sharing assistance.
- (7) Have strong local citizen and sponsor support through agreement to obtain land rights, contribute the local cost of construction, and carry out operation and maintenance.

B. Works and improvement that may be included in a watershed project are those that:

- (1) Contribute to reducing floodwater, erosion, and sediment damages.
- (2) Further the conservation, development, utilization, and disposal of water and the conservation and proper utilization of land.
- (3) Have the greatest net national economic benefits consistent with protecting the Nation's environment (for structural water resource projects) relative to alternative works, unless an exception is granted by the Secretary.

Subpart C – Application Procedure

Section 622.20 – Application.

Sponsors shall follow State developed procedures (based on Executive Order 12372) for coordination of proposed Federal financial assistance and also USDA's 7 CFR part 3015 in applying for Pub. L. 83-566 assistance. Standard forms for Federal assistance or other approved forms may be obtained from NRCS State, area, or field offices. These forms should be submitted to the Single Point of Contact in accordance with the State developed procedures.

Section 622.21 – State agency approval.

The governor or designated State agency will approve or disapprove the application. If disapproved, no further action is required of NRCS. If approved or not disapproved within 45 days, the application shall be sent to the NRCS STC. After the STC has determined that the application is legally valid, he will notify the sponsor of receipt of the application. If found not legally valid, the STC will return it to the originator with an opinion.

Subpart D – Planning

Section 622.30 – General.

A. Watershed projects are to be planned and carried out in a way that will (1) minimize all adverse impacts, and (2) mitigate unavoidable losses to the maximum practicable degree. Projects shall comply with the requirements of the National Environmental Policy Act of 1969 (Pub. L. 91-190, 83 Stat. 852) (42 U.S.C. 4321 et seq.).

B. Fish and wildlife enhancement measures proposed by Federal or State fish and wildlife agencies will be included if they are technically and economically feasible and are acceptable to the sponsors and the NRCS. If additional sponsors are needed to carry out the recommended fish and wildlife measures, NRCS will assist fish and wildlife agencies in attempting to obtain such sponsors.

C. All planning efforts by NRCS and the sponsors shall include well publicized public meetings to obtain public input on the project.

Section 622.31 – Basic planning efforts.

Upon receipt of an application, the NRCS will make any necessary field studies and develop a report to justify the need for planning effort. Once planning is authorized by the Chief of NRCS, a watershed plan-environmental impact statement (Plan-EIS) or a watershed plan-environmental assessment (Plan-EA) will be prepared by NRCS to request funding. This effort shall be coordinated with other State and Federal agencies.

Section 622.32 – Reviews and approvals.

A. The watershed plan-environmental impact statement (or assessment) will be subject to internal technical reviews, sponsor and other local party review, interagency review by other Federal, state, and concerned groups, and a final review as stated in NRCS's National Watershed Manual.

B. After thorough review by NRCS and other agencies, the NRCS and the sponsors shall accept the Plan-EIS or Plan-EA by signing the watershed agreement. The watershed plan must be approved by the Committees of Congress or the Chief of NRCS. Funding for installation can then be granted by the Chief of NRCS.

506.3 Executive Order 10584, Rules and Regulations Relating to Administration

US Code – Title 16> Chapter 18> § 1005

Ex. Ord. No. 10584, Dec. 18, 1954, [19 F.R. 8725](#), as amended by Ex. Ord. No. 10913, Jan. 18, 1961, [26 F.R. 510](#), provided:

Section 1. Scope of order. This order shall apply (a) to the planning, construction, operation, and maintenance of all works of improvement under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, as approved August 4, 1954, as amended; U.S.C. 1001 et seq.) [this chapter], hereinafter referred to as the Act, and (b) to other programs and projects of the Department of Agriculture, and to programs and projects of the Department of the Interior, the Department of the Army, and other Federal agencies to the extent that such programs or projects affect, or are affected significantly by, works of improvement provided for in the Act.

Section 2. General Administration. The Secretary of Agriculture shall have the following-described responsibilities under the Act [this chapter]:

- (1) Approval or disapproval of applications for Federal assistance in preparing plans for works of improvement, and the assignment of priorities for the provision of such assistance.
- (2) Establishing criteria for the formulation and justification of plans for works of improvement and criteria for the sharing of the cost of both structural and land-treatment measures which conform with the provisions of the Act and with policies established by or at the direction of the President for watershed protection, flood prevention, irrigation, drainage, water supply, and related water-resources development purposes.
- (3) Establishing engineering and economic standards and objectives, including standards as to degrees of flood protection, for works of improvement planned and carried out under the authority of the Act.
- (4) Determination and definition of
 - (i) Those land-treatment measures and structural improvements for flood prevention and measures for the agricultural phases of conservation, development, use and disposal of water or for fish and wildlife development which are eligible for assistance under the Act.
 - (ii) The nature and extent of such assistance and the conditions under which such assistance shall be rendered.
- (5) Planning and installing works of improvement on lands under his jurisdiction, and arranging for the participation of other Federal agencies in the planning and installation of works of improvement on lands under their jurisdiction. Recommendations of the heads of other Federal agencies for necessary works of improvement on lands under their jurisdiction shall be submitted as an integral part of the plans of the Department of Agriculture for works of improvement. Arrangements for construction, operation, and maintenance of works of improvement on such lands shall be mutually satisfactory to the Secretary of Agriculture and the head of the Federal agency concerned.
- (6) Submitting plans for works of improvement to the State Governor or Governors concerned and to the Federal agencies concerned for review and comment when the Secretary and the interested local organization have agreed on such plans; and, when and as required by the Act, submitting such plans to the Secretary of the Interior and the Secretary of the Army for their review and comment prior to transmission of the plans to the Congress through the President.
- (7) Giving full consideration to the recommendations concerning the conservation and development of fish and wildlife resources contained in any report of the Secretary of the Interior which is submitted to him, in accordance with section 12 of the Act [section [1008](#) of this title] and section 5 of this order, prior to the time he and the local organization have agreed on a plan for works of improvement, and including in the plan such works of improvement for fish and wildlife purposes recommended in the report as are acceptable to him and the local organization.
- (8) Holding public hearings at suitable times and places when he determines that such action will further the purposes of the Act.

Section 3. Notification.

- (1) The Secretary of Agriculture must:
 - (i) Notify in writing the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned of his

- decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.
- (ii) Notify the following, severally, in writing of all approvals or disapprovals of applications for planning assistance: the sponsoring organization, the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned.
- (2) The Secretary of the Interior shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.
 - (3) The Secretary of the Army shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Interior, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

Section 4. Coordination. In order to assure the coordination of work authorized under the Act [this chapter] and the related work of other agencies, so that the proper use, conservation, and development of water and related land resources through Federal programs and financial assistance may be achieved in the most orderly, economical, and effective manner.

- (1) The Secretary of Agriculture, before authorizing planning assistance in response to an application from a local organization for assistance under the Act [this chapter] must:
 - (i) When an application applies to a watershed located in one of the seventeen western reclamation States or Hawaii and it appears that a major objective is the agricultural phases of the conservation, development, utilization, and disposal of water for irrigation purposes, request the views of the Secretary of the Interior concerning the feasibility of achieving equivalent irrigation benefits by means of works of improvement constructed pursuant to the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or by means of assistance furnished pursuant to the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k) [43 U.S.C. 422a to 422k–1], and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.
 - (ii) When it appears that a major objective of an application is the reduction of flood damages in urban areas (as defined in the most recent census), request the views of the Secretary of the Army concerning the feasibility of achieving equivalent urban flood protection benefits by means of works of improvement constructed pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), or acts amendatory or supplementary thereto, and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.
 - (iii) When an application applies to a watershed located in the Tennessee River drainage basin, request the views of the Board of Directors of the Tennessee

Valley Authority concerning the feasibility of achieving the objectives of the application by means of works of improvement for flood control or watershed protection constructed under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving such objectives; and when such planning assistance is authorized, consult with the Tennessee Valley Authority throughout all phases of project development concerning the relationship of works of improvement under the Act to the unified development and regulation of the Tennessee River system.

- (2) The Secretary of the Interior must, prior to undertaking any survey or field investigation under the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or prior to initiating investigations after receipt of a Notice of Intent to apply for a loan under the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k) [43 U.S.C. 422a to 422k–1], relating to works of improvements wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act [this chapter], and submit a report on such a survey or field investigation or approve such application for assistance only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.
- (3) The Secretary of the Army must, prior to undertaking any survey or field investigation pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), and acts amendatory or supplementary thereto, relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act [this chapter], and submit a report on such survey or field investigation only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.
- (4) The Board of Directors of the Tennessee Valley Authority must, prior to undertaking any survey or field investigation under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), relating to works of improvement for flood control or watershed protection to be installed wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the works of improvement for flood control or watershed protections by means of works of improvement constructed under the Act [this chapter], and proceed with such survey or investigation only after carefully considering whether works of improvement under the Tennessee Valley Authority Act would be a more appropriate method of achieving such objectives.
- (5) Whenever the foregoing provisions of this section require an agency head to request the views of another agency head, such request shall be effected prior to the making of any commitment to local interests, and local interests shall be informed at the outset of negotiations that any plan resulting therefrom is subject to coordination as required by this section.
- (6) When any agency having responsibilities for water resources development is considering the initiation of surveys or field investigations in a watershed or

subwatershed area of not more than 250,000 acres and it appears that the purposes to be served by the project under investigation could more advantageously be met by means of a combination of works of improvement under the statutory authority available to that and other agencies, the appropriate agency head shall consider with the other agency heads concerned and the cooperating local interests the feasibility of preparing a jointly developed plan for coordinated action under available statutory authority.

Section 5. Fish and wildlife development. Upon receipt of the notice required by section 12 of the Act [section 1008 of this title] and section 3(a)(1) of this order, the Secretary of the Interior, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of fish and wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement which will be acceptable to the local organization and the Secretary of Agriculture.

Section 6. Relationship to comprehensive development.

- (1) The Secretary of Agriculture shall submit plans for installation of works of improvement under the Act [this chapter] to the Congress through the President only if the Secretary is satisfied that such works constitute needed and harmonious elements in the comprehensive development of the river subbasin or river basin involved.
- (2) Federal agencies having responsibilities for water resource developments must, in the design and justification of works of improvement, take cognizance of all upstream and downstream works in place and in operation, or soon to be brought into operation. The guiding principle shall be to adjust the nature, capacity, and operating characteristics of works of improvement in a manner that (1) reflects the respective contributions of upstream and downstream works to flood protection and to the conservation, development, use, and disposal of water, and (2) provides the best use and control of water resources at minimum cost. Whenever approximately equivalent benefits can be obtained from alternative works of improvement, or combinations of improvements, with approximately the same cost the alternative or combination least costly to the Federal Government shall be given preferential consideration. In case benefits are produced jointly by more than one work of improvement, or in case complementary relationships exist between the projects and plans of the several agencies, the benefits claimed in justification of a system of improvements shall not include any duplication or compounding of benefits.

Section 7. Basic data. In the utilization of existing basic physical and economic data, and in the acquisition of additional basic data required for planning, design, construction, operation and evaluation of works of improvement authorized under the Act [this chapter], the Department of Agriculture shall be assisted by the principal basic-data collection agencies, including the Geological Survey in the Department of the Interior and the Weather Bureau [now the National Weather Service] in the Department of Commerce. The basic-data collection agencies shall assist and cooperate with the Department of Agriculture with respect to the following:

- (1) Provision of pertinent information in the preliminary planning of works of improvement.
- (2) Collaboration in planning programs of hydrologic-data collection in project areas, in the selection of station sites and installation of equipment for collecting hydrologic data, and in the collection of such data.

- (3) Collaboration in the analysis and interpretation of hydrologic data collected specifically for projects initiated under the Act, and of relevant data which may contribute to an analysis of the effects of such projects.

506.3 Executive Order (EO) 10584, Rules and Regulations Relating to Administration

US Code – Title 16> Chapter 18> § 1005

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Section 1. Scope of order. This order shall apply (a) to the planning, construction, operation, and maintenance of all works of improvement under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, as approved August 4, 1954, as amended; U.S.C. 1001 et seq.) [this chapter], hereinafter referred to as the Act, and (b) to other programs and projects of the Department of Agriculture, and to programs and projects of the Department of the Interior, the Department of the Army, and other Federal agencies to the extent that such programs or projects affect, or are affected significantly by, works of improvement provided for in the Act.

Section 2. General administration. The Secretary of Agriculture shall have the following-described responsibilities under the Act [this chapter]:

- (a) Approval or disapproval of applications for Federal assistance in preparing plans for works of improvement, and the assignment of priorities for the provision of such assistance.
- (b) Establishing criteria for the formulation and justification of plans for works of improvement and criteria for the sharing of the cost of both structural and land-treatment measures which conform with the provisions of the Act and with policies established by or at the direction of the President for watershed protection, flood prevention, irrigation, drainage, water supply, and related water-resources development purposes.
- (c) Establishing engineering and economic standards and objectives, including standards as to degrees of flood protection, for works of improvement planned and carried out under the authority of the Act.
- (d) Determination and definition of (1) those land-treatment measures and structural improvements for flood prevention and measures for the agricultural phases of conservation, development, use and disposal of water or for fish and wildlife development which are eligible for assistance under the Act and (2) the nature and extent of such assistance and the conditions under which such assistance shall be rendered.
- (e) Planning and installing works of improvement on lands under his jurisdiction, and arranging for the participation of other Federal agencies in the planning and installation of works of improvement on lands under their jurisdiction. Recommendations of the heads of other Federal agencies for necessary works of improvement on lands under their jurisdiction shall be submitted as an integral part of the plans of the Department of Agriculture for works of improvement. Arrangements for construction, operation, and maintenance of works of improvement on such lands shall be mutually satisfactory to the Secretary of Agriculture and the head of the Federal agency concerned.
- (f) Submitting plans for works of improvement to the State Governor or Governors concerned and to the Federal agencies concerned for review and comment when the Secretary and the interested local organization have agreed on such plans; and, when and as required by

the Act, submitting such plans to the Secretary of the Interior and the Secretary of the Army for their review and comment prior to transmission of the plans to the Congress through the President.

(g) Giving full consideration to the recommendations concerning the conservation and development of fish and wildlife resources contained in any report of the Secretary of the Interior which is submitted to him, in accordance with section 12 of the Act [section [1008](#) of this title] and section 5 of this order, prior to the time he and the local organization have agreed on a plan for works of improvement, and including in the plan such works of improvement for fish and wildlife purposes recommended in the report as are acceptable to him and the local organization.

(h) Holding public hearings at suitable times and places when he determines that such action will further the purposes of the Act.

Section 3. Notification.

(a) The Secretary of Agriculture must:

(1) Notify in writing the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

(2) Notify the following, severally, in writing of all approvals or disapprovals of applications for planning assistance: the sponsoring organization, the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned.

(b) The Secretary of the Interior shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

(c) The Secretary of the Army shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Interior, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

Section 4. Coordination. In order to assure the coordination of work authorized under the Act [this chapter] and the related work of other agencies, so that the proper use, conservation, and development of water and related land resources through Federal programs and financial assistance may be achieved in the most orderly, economical, and effective manner.

(a) The Secretary of Agriculture, before authorizing planning assistance in response to an application from a local organization for assistance under the Act [this chapter] must:

(1) When an application applies to a watershed located in one of the seventeen western reclamation States or Hawaii and it appears that a major objective is the agricultural phases of the conservation, development, utilization, and disposal of water for irrigation purposes, request the views of the Secretary of the Interior concerning the feasibility of achieving equivalent irrigation benefits by means of works of improvement constructed pursuant to the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or by means of assistance furnished pursuant to the Small

Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k) [43 U.S.C. 422a to 422k–1], and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

(2) When it appears that a major objective of an application is the reduction of flood damages in urban areas (as defined in the most recent census), request the views of the Secretary of the Army concerning the feasibility of achieving equivalent urban flood protection benefits by means of works of improvement constructed pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), or acts amendatory or supplementary thereto, and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

(3) When an application applies to a watershed located in the Tennessee River drainage basin, request the views of the Board of Directors of the Tennessee Valley Authority concerning the feasibility of achieving the objectives of the application by means of works of improvement for flood control or watershed protection constructed under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving such objectives; and when such planning assistance is authorized, consult with the Tennessee Valley Authority throughout all phases of project development concerning the relationship of works of improvement under the Act to the unified development and regulation of the Tennessee River system.

(b) The Secretary of the Interior must, prior to undertaking any survey or field investigation under the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or prior to initiating investigations after receipt of a Notice of Intent to apply for a loan under the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k) [43 U.S.C. 422a to 422k–1], relating to works of improvements wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act [this chapter], and submit a report on such a survey or field investigation or approve such application for assistance only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

(c) The Secretary of the Army must, prior to undertaking any survey or field investigation pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), and acts amendatory or supplementary thereto, relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act [this chapter], and submit a report on such survey or field investigation only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

(d) The Board of Directors of the Tennessee Valley Authority must, prior to undertaking any survey or field investigation under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), relating to works of improvement for flood control or watershed

protection to be installed wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the works of improvement for flood control or watershed protections by means of works of improvement constructed under the Act [this chapter], and proceed with such survey or investigation only after carefully considering whether works of improvement under the Tennessee Valley Authority Act would be a more appropriate method of achieving such objectives.

(e) Whenever the foregoing provisions of this section require an agency head to request the views of another agency head, such request shall be effected prior to the making of any commitment to local interests, and local interests shall be informed at the outset of negotiations that any plan resulting therefrom is subject to coordination as required by this section.

(f) When any agency having responsibilities for water resources development is considering the initiation of surveys or field investigations in a watershed or subwatershed area of not more than 250,000 acres and it appears that the purposes to be served by the project under investigation could more advantageously be met by means of a combination of works of improvement under the statutory authority available to that and other agencies, the appropriate agency head shall consider with the other agency heads concerned and the cooperating local interests the feasibility of preparing a jointly developed plan for coordinated action under available statutory authority.

Section 5. Fish and wildlife development. Upon receipt of the notice required by section 12 of the Act [section 1008 of this title] and section 3(a)(1) of this order, the Secretary of the Interior, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of fish and wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement which will be acceptable to the local organization and the Secretary of Agriculture.

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(a) The Secretary of Agriculture shall submit plans for installation of works of improvement under the Act [this chapter] to the Congress through the President only if the Secretary is satisfied that such works constitute needed and harmonious elements in the comprehensive development of the river subbasin or river basin involved.

(b) Federal agencies having responsibilities for water resource developments must, in the design and justification of works of improvement, take cognizance of all upstream and downstream works in place and in operation, or soon to be brought into operation. The guiding principle shall be to adjust the nature, capacity, and operating characteristics of works of improvement in a manner that (1) reflects the respective contributions of upstream and downstream works to flood protection and to the conservation, development, use, and disposal of water, and (2) provides the best use and control of water resources at minimum cost. Whenever approximately equivalent benefits can be obtained from alternative works of improvement, or combinations of improvements, with approximately the same cost the alternative or combination least costly to the Federal Government shall be given preferential consideration. In case benefits are produced jointly by more than one work of improvement, or in case complementary relationships exist between the projects and plans of the several agencies, the benefits claimed in justification of a system of improvements shall not include any duplication or compounding of benefits.

Section 7. Basic data. In the utilization of existing basic physical and economic data, and in

the acquisition of additional basic data required for planning, design, construction, operation and evaluation of works of improvement authorized under the Act [this chapter], the Department of Agriculture shall be assisted by the principal basic-data collection agencies, including the Geological Survey in the Department of the Interior and the Weather Bureau [now the National Weather Service] in the Department of Commerce. The basic-data collection agencies shall assist and cooperate with the Department of Agriculture with respect to the following:

- (a) Provision of pertinent information in the preliminary planning of works of improvement.
- (b) Collaboration in planning programs of hydrologic-data collection in project areas, in the selection of station sites and installation of equipment for collecting hydrologic data, and in the collection of such data.
- (c) Collaboration in the analysis and interpretation of hydrologic data collected specifically for projects initiated under the Act, and of relevant data which may contribute to an analysis of the effects of such projects.