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WATERSHED PROJECTS: Buffalo River, Va.; Cross Creek, Pa.; Sowashee Creek, Miss.; Twelve Mile Creek, Iowa; Eagle and Tumbleweed Draw, N. Mex.; Mush Creek, Ala.; Upper Mulberry River, Ga.

FLOOD CONTROL PROJECT: Pottstown & Vicinity, Schuylkill River Basin, Pa.

LEGISLATION: S. 2201, Settlement of damage claims from spillways; S. 3546, Extend for one year section 106 of Water Resources Development Act of 1974; S. 3547, Modify section 204 of the Flood Control Act of 1965.

NAME CHANGE LEGISLATION: H.R. 6798, Cecil M. Harden Lake, Ind.; H.R. 11802, Granger Dam, Tex.; H.R. 12044, Hensley Lake, Calif.; H.R. 15322, O. C. Fisher Dam and Lake, Tex.

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# HEARING

BEFORE THE

## COMMITTEE ON WATER RESOURCES

OF THE

## COMMITTEE ON PUBLIC WORKS

# HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

SEPTEMBER 24, 1974

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# WATERSHED PROJECTS, FLOOD CONTROL PROJECT, LEGISLATION, AND NAME CHANGE LEGISLATION

TUESDAY, SEPTEMBER 24, 1974

HOUSE OF REPRESENTATIVES,  
WATER RESOURCES SUBCOMMITTEE  
OF THE COMMITTEE ON PUBLIC WORKS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 2:05 p.m., in room 2167, Rayburn House Office Building, Hon. Ray Roberts, chairman of the subcommittee, presiding.

Mr. ROBERTS. The subcommittee will come to order.

Today the Subcommittee on Water Resources of the House Public Works Committee meets to hear testimony on a number of items pending before the subcommittee. These include watershed projects, a Corps of Engineers "Section 201" project, three bills which have passed the Senate, and four bills changing the name of Corps of Engineers projects. After receiving testimony, the subcommittee will go into markup on the items before it, including three watershed projects on which hearings have previously been held, and a number of Corps of Engineers survey resolutions.

I first recognize the gentleman from California.

Mr. CLAUSEN. I will only make a brief statement for the record, Mr. Chairman, that I concur in the opening statement of our chairman, and extend to him my appreciation on behalf of the members who have contacted me for scheduling these hearings. Hopefully, we can move to markup on some of these items that are crucial in many areas of the country as represented by our colleagues, and I appreciate the gentleman yielding.

Mr. ROBERTS. I appreciate the cooperation of the gentleman from California.

I do not know how you can have a better man to work with, and we do appreciate it.

Our first witness today is Mr. Joseph W. Haas, Assistant Deputy Administrator for Watersheds.

Mr. Haas, nice to have you back.

**STATEMENT OF JOSEPH W. HAAS, ASSISTANT DEPUTY ADMINISTRATOR FOR WATERSHEDS, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY KARL R. KLINGELHOFER, GERALD L. LANMAN, HARRIS W. JUDY, AND RICHARD PARKER**

Mr. HAAS. Thank you, Mr. Chairman.

If my colleagues will move up here, we will proceed with our prepared testimony, Mr. Chairman.

Mr. Chairman and members of the committee, we are pleased to appear before this committee today with seven watershed projects for your consideration. These projects are quite similar to those which have come before the committee in the past.

They involve upstream watershed areas having significant flood and other water management problems. Local people have demonstrated strong support for these projects by the commitments they have made. Five of the projects are multiple-purpose in nature. The plans demonstrate the flexibility inherent in Public Law 566 to meet water and land management problems in upstream watersheds and provide a significant contribution to rural development.

There are no known unresolved environmental problems associated with these projects. The work plans and environmental statements have been reviewed by a wide range of agencies and an environmental statement has been filed with the Council on Environmental Quality on each project.

At this time I will give a brief summary of each proposed plan. Members of our staff are available to assist in answering questions you may have concerning specific projects.

Mr. Klingelhofer will point out the important features on the large map we have with us.

Our first project is the Buffalo River watershed in Virginia.

#### BUFFALO RIVER WATERSHED, VIRGINIA

Buffalo River begins on the eastern slopes of the Blue Ridge Mountains in Amherst County in west-central Virginia. The watershed project area contains 60,500 acres. The small town of Amherst is the only town in the watershed. The city of Roanoke is about 60 miles to the southwest and Richmond is about 100 miles to the east.

The proposed project provides for installation of conservation land treatment practices, supplemented by two floodwater retarding structures, and two multiple-purpose reservoirs with storage capacity for flood prevention and municipal and industrial water supply.

These project measures favorably effect the environment by:

(1) Reducing floodwater and sediment damages to 38 farms and 4 commercial and industrial businesses in the town of Amherst. The hazard of possible loss of life from unusual or unexpected floods will be virtually eliminated.

(2) Reducing the sediment leaving the watershed by about 22,000 tons annually.

(3) Providing improved fish and wildlife habitat by the creation of 4 lakes with 413 surface acres of water suitable for fish production and resting areas for local and migrating waterfowl.

(4) Provide an estimated 36,500 user-days annually of fishing opportunities in the created lakes.

(5) Providing 8.2 million gallons per day of high-quality water as a major segment of a countywide water system.

The total installation cost of this project is estimated to be \$2.5 million with the local sponsors providing about \$1.1 million or 42 percent of the total cost. The average annual benefits are estimated to be \$224,000 with a resultant benefit-cost ratio of 1.8 to 1.

Mr. ROBERTS. At this point in the record we will include the work plan and map on the Buffalo River watershed project and statements received from members regarding this project.

[Material referred to follows:]

#### BUFFALO RIVER WATERSHED, VIRGINIA

*Size and Location.*—60,500 acres, Amherst County.

*Sponsors.*—Robert E. Lee Soil and Water Conservation District, Amherst County Board of Supervisors.

*Purposes.*—Watershed protection, flood prevention and municipal water supply.

*Principal Measures.*—Soil conservation practices on farms and woodlands; and structural measures consisting of two floodwater retarding structures and two multiple-purpose structures for flood prevention and municipal water supply. The total storage capacity of the structures is 16,298 acre feet.

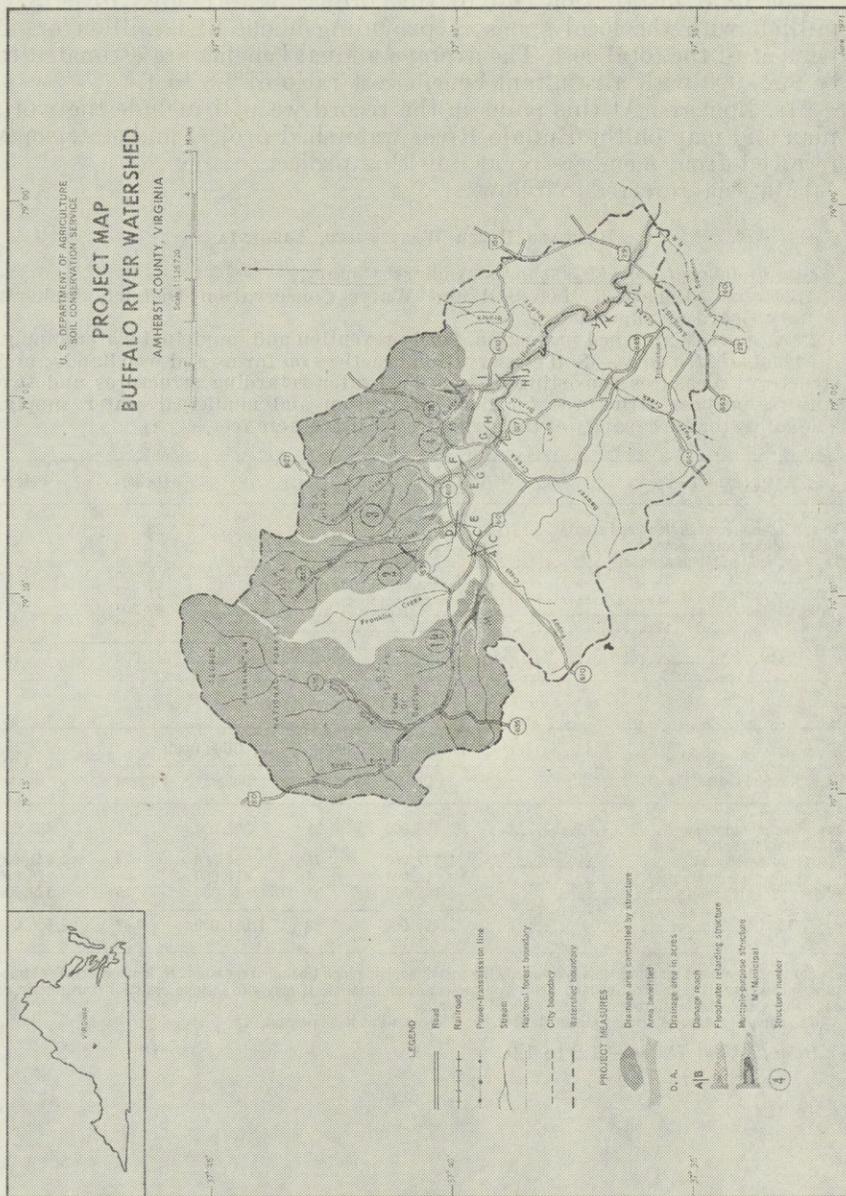
Annual benefits—	Dollars	Percent
To agricultural acreage (land and crops).....	28,200	13
To agricultural improvements.....	1,600	1
To nonagricultural improvements.....	64,600	29
Indirect.....	9,000	4
Municipal water supply.....	71,200	32
Incidental recreation.....	40,200	18
Secondary.....	9,200	4
Total.....	224,000	100

Project costs	Public Law 566 funds		Other funds		Total dollars
	Dollars	Percent	Dollars <sup>1</sup>	Percent	
Land treatment measures.....	155,000	38	252,000	62	407,000
Structural measures:					
Flood prevention.....	1,177,000	76	364,000	24	1,541,000
Municipal water supply.....	18,000	4	411,000	96	429,000
Project administration.....	145,000	81	34,000	19	179,000
Total.....	1,495,000	58	1,061,000	242	2,556,000

<sup>1</sup> For land treatment measures this is primarily the cost of applying land treatment measures by landowners. For structural measures this is the cost of land rights and project administration. It may also include costs for construction or engineering services for purposes other than flood prevention.

<sup>2</sup> The value of measures already installed (\$346,000) increases this to 48 percent.

*Benefit-Cost Ratio.*—1.8 to 1.0.



Mr. HAAS. We will proceed on to the next project, the Cross Creek watershed in Pennsylvania.

#### CROSS CREEK WATERSHED, PENNSYLVANIA

The Cross Creek watershed, is located in Washington County in southwestern Pennsylvania some 20 miles southwest of Pittsburgh. Cross Creek flows in a westerly direction and empties into the Ohio River after crossing the northern panhandle of West Virginia. The drainage area covered by this plan is entirely within Washington County and encompasses an area of about 35,000 acres.

The proposed project measures consist of conservation land treatment practices; three floodwater retarding structures; one multiple-purpose reservoir providing storage capacity for floodwater, municipal and industrial water supply, and recreation water; and recreation facilities.

These measures will:

- (1) Reduce average annual floodwater damages by 92 percent.
- (2) Reduce average annual soil erosion from 2.6 tons per acre to 1.9 tons per acre.
- (3) Include 244 acres of warm water fisheries.
- (4) Provide about 166 acre-feet of water to meet current and anticipated future needs for municipal and industrial water. The availability of industrial water will encourage industrial growth.
- (5) Include a 228-acre lake with associated recreational facilities which will provide for activities such as boating, fishing, picnicking, and so forth. An estimated 150,000 annual visitor days of use is expected.

The total project installation cost is estimated to be \$4 million of which the local sponsors will furnish about \$2.1 million or 53 percent of the total cost. The benefits are estimated at \$311,600 annually. The benefit-cost ratio is 1.4 to 1.

Mr. ROBERTS. How could the 166 acre-feet satisfy anybody? That would not be a good backyard pond, 166 acre-feet. That would be 50 acres, 5 feet deep. That must be an error.

Mr. HAAS. Well, I rather doubt that it is. We can check it, certainly, but this is in a very rural mountainous area, small towns, their water supply needs are not terribly great, although when they do need them they are rather serious.

So I suspect that this is the right amount in this particular area, but we will certainly check it, Mr. Chairman.

Mr. ROBERTS. Thank you.

Mr. CLAUSEN. What kind of industrial growth is expected? You say it is encouraged. That is a general statement. Is there something there that would justify this, that you are aware of?

Mr. HAAS. Not to our immediate knowledge, of course, industry is looking for sites to build.

I would have to say that 166 acre-feet is not a major enticement. Nevertheless, it is one of the factors that an industrial company does look for.

Mr. CLAUSEN. I would agree with the chairman, that I think whoever prepared this statement certainly does not have much to back it up, other than a general statement.

Mr. HAAS. It is pointed out to me that this does represent an auxiliary supply for this town. It will provide an additional 54-million gallons to meet current and anticipated future needs. So this is really a supplemental supply for this area, really.

Mr. ROBERTS. Thank you.

Mr. HAAS. The amount of storage capacity for municipal and industrial water supply is 166 acre-feet as previously indicated. This will provide 54-million gallons (200,000 gallons per day for 270 days) of water to meet current and anticipated future needs as determined by a consultant retained by the Independence Township Municipal Authority. This additional water supply will provide service to about 500 families with some reserve available to help service industrial expansion.

Mr. ROBERTS. At this point in the record we will include the work plan and map on the Cross Creek watershed project and statements received from members regarding this project.

[Material referred to follows:]

#### CROSS CREEK WATERSHED PROJECT, PENNSYLVANIA

*Size and Location.*—35,000 acres in Washington County.

*Sponsors.*—Washington County Soil and Water Conservation District; Washington County; Cross Creek Township; Independence Township Municipal Authority.

*Purposes.*—Watershed protection, flood prevention, recreation, municipal and industrial water.

*Principal Measures.*—Soil conservation practices on farms and woodlands; with structural measures consisting of 3 floodwater retarding structures, one multiple purpose reservoir with storage capacity for floodwater, municipal and industrial water and recreation with recreation facilities. The total storage capacity is 9,851 acre-feet.

Annual benefits—	Dollars	Percent
To agricultural acreage (land and crops).....	200	0
To agricultural improvements.....		
To nonagricultural improvements.....	68,200	22
Indirect.....	14,000	4
Recreation.....	177,700	57
Municipal and industrial water.....	7,900	3
Redevelopment.....	16,600	5
Secondary.....	27,000	6
Total.....	311,600	100

Project costs	Public Law 566 funds		Other funds		Total dollars
	Dollars	Percent	Dollars <sup>1</sup>	Percent	
Land treatment measures.....	72,000	13	488,000	87	560,000
Structural measures:					
Flood prevention.....	978,000	73	365,000	27	1,343,000
Recreation.....	593,000	33	1,219,000	67	1,812,000
Municipal and industrial water.....	1,000	2	47,000	98	48,000
Project administration.....	259,000	92	23,000	8	282,000
Total.....	1,903,000	47	2,142,000	53	4,045,000

<sup>1</sup> For land treatment measures this is primarily the cost of applying land treatment measures by landowners. For structural measures this is the cost of land rights and project administration. It may also include costs for construction or engineering services for purposes other than flood prevention.

<sup>2</sup> The value of measures already installed (\$263,000) increases this to 56 percent.

*Benefit-Cost Ratio.*—1.4 to 1.



STATEMENT OF HON. THOMAS E. MORGAN, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF PENNSYLVANIA

CROSS CREEK WATERSHED PROJECT

Mr. Chairman, and distinguished members of this subcommittee, I am appearing today to express my strong support for the Cross Creek Watershed project, which has been recommended for approval by the Soil Conservation Service of the Department of Agriculture. I especially appreciate the prompt review of the work plan and environmental statement recently submitted to the committee by the Office of Management and Budget.

The Cross Creek Watershed project is located in my Congressional District and is sponsored by the Washington County Soil and Water Conservation District, Washington County, Cross Creek Township, and Independence Township Municipal Authority, in conjunction with the Soil Conservation Service. Just recently, I received a petition signed by 1,200 residents of Washington County endorsing the Cross Creek project. Community leaders and citizens have united to express strong support for the project, and I would like to commend my constituents for their active and effective participation in civic affairs.

Basically, this request for \$1,903,000 in Federal assistance is for watershed resource protection, flood prevention, water supply, and recreational purposes. The project involves soil conservation and treatment measures to be implemented by landowners and the Washington County Soil and Water Conservation District, as well as three single purpose flood prevention structures and one multiple purpose reservoir for water supply storage, water-oriented recreation, and the alleviation of flood damage. The improvements should be completed within a seven-year period.

Mr. Chairman, improved land management, forestry practices, and conservation measures will contribute to the reduction of erosion and sedimentation and will improve farm productivity and water quality in Cross Creek. The communities of Avella, Browntown, and Studa will be protected, and economic development in Washington County will very likely result from the assurance of a dependable water supply. In addition, the project will greatly improve water recreation facilities in western Pennsylvania and for the 2,000,000 people who live within a fifty-mile radius of the area.

Thus, it is evident that the Cross Creek Watershed project will be a significant contribution to Pennsylvania's continuing viability as a commercial and recreational center. I would like to commend the members of the Water Resources Subcommittee for your continuing support and expeditious scrutiny of this project. It is a pleasure to join with my constituents in strongly supporting the Cross Creek Watershed project, and I urge its approval.

Mr. ROBERTS. The next project is the Eagle-Tumbleweed Draw watershed in New Mexico.

EAGLE-TUMBLEWEED DRAW WATERSHED, NEW MEXICO

Mr. HAAS. The Eagle-Tumbleweed Draw watershed is located in southeastern New Mexico in Eddy and Chaves Counties. The city of Artesia, with a population of 10,000 is in the watershed. The watershed has an area of about 184,000 acres, of which 52,900 acres are administered by the Bureau of Land Management and 45,400 acres by the State of New Mexico. Eagle and Tumbleweed Draws are tributaries to the Pecos River.

The proposed project provides for installation of conservation land treatment practices, one floodwater retarding structure, two floodwater diversion structures, and about 3.8 miles of work on an existing natural water course which carries water only during periods of storm runoff. The excavated earth channel will include 11 reinforced concrete drop spillways to assure stability. The channel work along with the diversions, which are located below the dam, is necessary to provide needed flood protection to urban properties in the city of Artesia.

The proposed project measures are closely interrelated and designed to function with the work already constructed within the city limits of Artesia. About 6 miles of channel work has been constructed to

date in an urban renewal project and by the Artesia-Eagle Draw flood district.

The proposed project measures will:

(1) Eliminate floodwater damages in the city of Artesia from flood events up to and including the 100-year frequency flood.

(2) Reduce flood damages on 3,040 acres of irrigated land by 69 percent.

(3) Improve vegetative cover in the uplands, thus reducing soil erosion and increasing quantity and quality of livestock forage.

(4) Reduce sediment from Eagle Draw into the Pecos River by 57 percent.

The total installation cost is estimated to be \$7.5 million of which Public Law 566 funds will furnish \$6.9 million. When considering costs for work completed in the city of Artesia under other programs, costs for flood control by local interests, including the Public Law 566 project, will amount to about \$1.5 million. In addition, landowners and operators in the project area have already installed conservation land treatment practices costing about \$1.1 million. The average annual benefits are estimated to be \$879,800 with a resultant benefit-cost ratio of 2.3 to 1.

Mr. ROBERTS. At this point in the record we will include the work plan and map on the Eagle and Tumbleweed watershed project and statements received from members regarding this project.

[Material referred to follows:]

#### EAGLE-TUMBLEWEED DRAW WATERSHED, NEW MEXICO

*Size and Location.*—184,400 acres in Eddy and Chaves Counties.

*Sponsors.*—Penasco Soil and Water Conservation District; Artesia-Eagle Draw Flood District; City of Artesia; Central Valley Soil and Water Conservation District.

*Purposes.*—Watershed protection and flood prevention.

*Principal Measures.*—Soil conservation practices on farms and rangeland; with structural measures consisting of 1 floodwater retarding structure, 2 floodwater diversions, and 20,100 feet of channel improvement. The total storage capacity is 14,203 acre-feet.

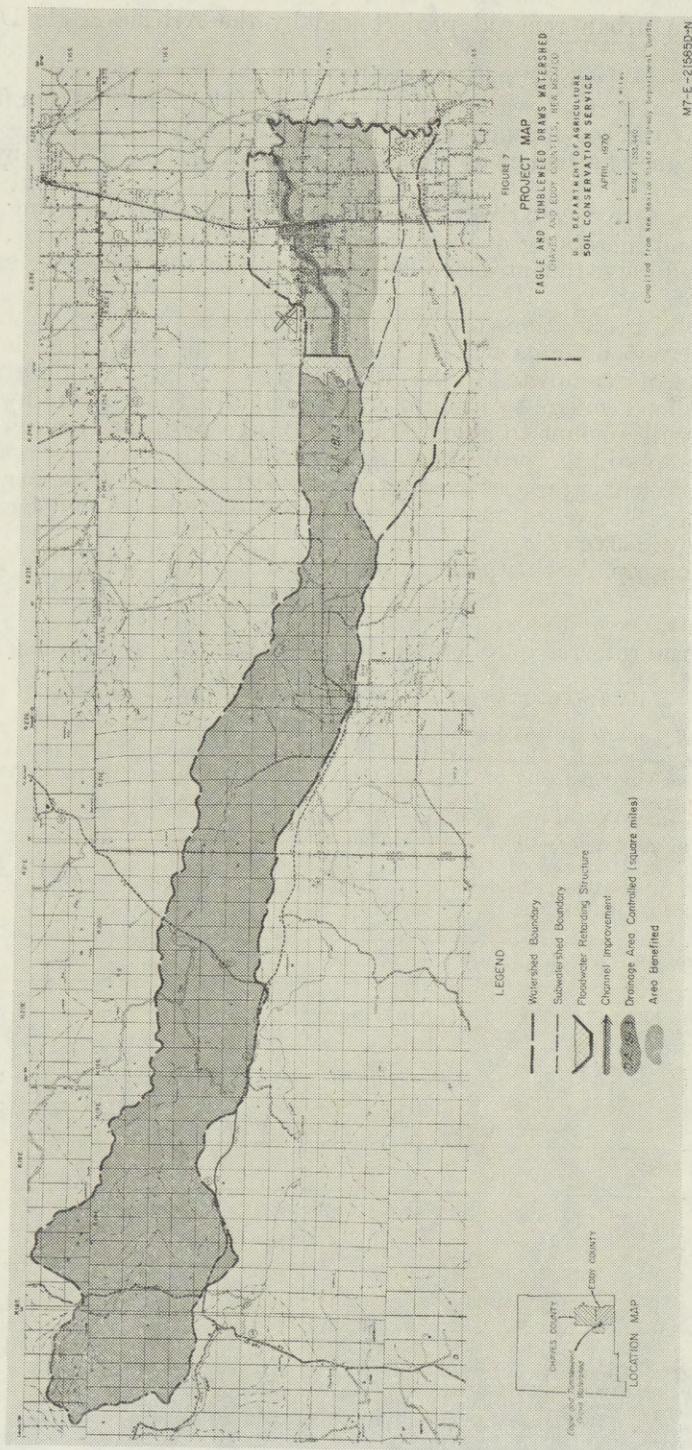
Annual benefits—	Dollars	Percent
To agricultural acreage (land and crops).....	33,200	4
To agricultural improvements.....	3,300	.....
To nonagricultural improvements.....	587,400	67
Indirect.....	95,900	11
Redevelopment.....	95,600	11
Secondary.....	64,400	7
Total.....	879,800	100

Project costs	Public Law 566 funds		Other funds		Total dollars
	Dollars	Percent	Dollars	Percent	
Land treatment measures.....	10,000	3	388,000	97	398,000
Structural measures: Flood prevention.....	6,244,000	97	226,000	3	6,470,000
Project administration.....	622,000	97	21,000	3	643,000
Total.....	6,876,000	92	635,000	28	7,511,000

<sup>1</sup> For land treatment measures this is primarily the cost of applying land treatment measures by landowners. For structural measures this is the cost of land rights and project administration. It may also include costs for construction or engineering services for purposes other than flood prevention.

<sup>2</sup> The value of measures already installed (\$1,127,000) increases this to 20 percent.

*Benefit-Cost Ratio.*—2.3 to 1.



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Mr. HASS. We will move on to Mush Creek watershed in Alabama.

#### MUSH CREEK WATERSHED, ALABAMA

The Mush Creek watershed comprises a drainage area of about 38,700 acres in Lowndes and Dallas Counties, Ala. It is located 36 miles west of Montgomery and 12 miles south of Selma. Mush Creek flows in a westerly direction to its confluence with Cedar Creek. In turn, Cedar Creek empties into the Alabama River approximately 3 miles further to the west.

The proposed project provides for installation of conservation land treatment practices, and two floodwater retarding structures.

These measures will:

(1) Enhance general economic conditions of the area by reducing flood damages, providing job opportunities, increasing net farm incomes, and encouraging more efficient utilization of available resources.

(2) Materially reduce erosion rates and sediment production. Sediment yield will be reduced an average of 28,000 tons per year, a 47 percent reduction in sediment transported by the stream.

(3) Reduce floodwater damages by 67 percent on 3,040 acres of flood plain lands.

(4) Enable landowners to change the cropping pattern by taking row crops off marginal uplands and returning them to the flood plain. The marginal land taken out of row crops will be established to a more suitable cover of grasses, legumes, or trees.

(5) Provide habitat for fish and wildlife at the 213 acres of water created by the sediment pools of the retarding structures.

The total installation cost is estimated to be \$1.3 million with the sponsoring local organizations providing about \$538,000 or 41 percent of the total cost. The average annual benefits are estimated to be \$60,700 with a resultant benefit-cost ratio of 1.3 to 1.

Mr. ROBERTS. At this point in the record we will include the work plan and map on the Mush Creek watershed project and statements received from members regarding this project.

[Material referred to follows:]

#### MUSH CREEK WATERSHED, ALABAMA

*Size and Location.*—38,700 acres in Dallas and Lowndes Counties.

*Sponsors.*—Mush Creek Watershed Conservancy District; Dallas County Soil and Water Conservation District; Dallas County Commission; Lowndes County Soil and Water Conservation District; Lowndes County Commission.

*Purposes.*—Watershed protection and flood prevention.

*Principal Measures.*—Soil conservation practices on farms and woodlands; and structural measures consisting of two floodwater retarding structures. The total storage capacity of the structures is 11,011 acre-feet.

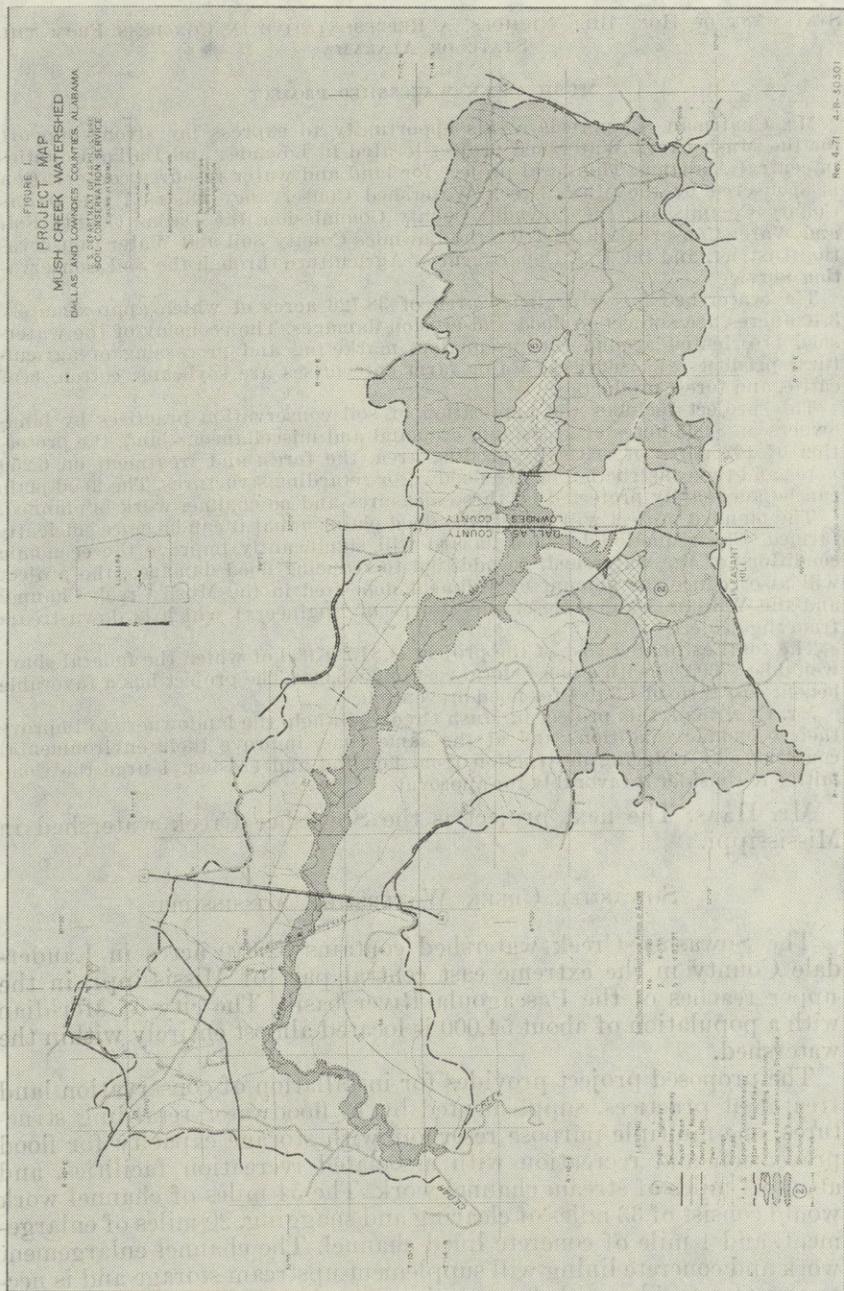
Annual benefits—	Dollars	Percent
To agricultural acreage (land and crops).....	42,300	69
To agricultural improvements.....	1,300	2
To nonagricultural improvements.....	400	1
Indirect.....	2,900	5
Redevelopment.....	9,000	15
Secondary.....	4,800	8
<b>Total.....</b>	<b>60,700</b>	<b>100</b>

Project costs	Public Law 566 funds		Other funds		Total dollars
	Dollars	Percent	Dollars <sup>1</sup>	Percent	
Land treatment measures.....	44,000	9	427,000	91	471,000
Structural measures: Flood prevention.....	619,000	85	110,000	15	729,000
Project administration.....	97,000	99	1,000	1	98,000
<b>Total.....</b>	<b>760,000</b>	<b>59</b>	<b>538,000</b>	<b>41</b>	<b>1,298,000</b>

<sup>1</sup> For land treatment measures this is primarily the cost of applying land treatment measures by landowners. For structural measures this is the cost of land rights and project administration. It may also include costs for construction or engineering services for purposes other than flood prevention.

<sup>2</sup> The value of measures already installed (\$322,000) increases this to 53 percent.

### Benefit-Cost Ratio.—1.3 to 1.



## STATEMENT OF HON. BILL NICHOLS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

## MUSH CREEK WATERSHED PROJECT

Mr. Chairman, I appreciate this opportunity to express my strong support for the Mush Creek Watershed project located in Lowndes and Dallas Counties in central Alabama. This local project for land and water resource conservation is sponsored by the Mush Creek Watershed Conservancy District, the Dallas County Commission, the Lowndes County Commission, the Dallas County Soil and Water Conservation District, the Lowndes County Soil and Water Conservation District, and the U.S. Department of Agriculture through the Soil Conservation Service.

The watershed has a drainage area of 38,726 acres of which approximately 3,100 acres are subject to flood and erosion damages. The economy of the watershed is oriented around the production, marketing and processing of agricultural products and services. Major farm enterprises are soybeans, cotton, beef cattle, and forest products.

This project includes the application of soil conservation practices by landowners on 8,965 acres of grassland, cropland and miscellaneous land, the protection of 103 acres of critically eroding area, the forestland treatment on 6,250 acres and the construction of two floodwater retarding structures. The flood plain can be adequately protected by these measures and no channel work is planned.

The planned project will protect the flood plain so that it can be more efficiently farmed. The reduction in flood hazard will significantly improve the economic conditions of the watershed. In addition to reducing flood damages, the project will also reduce the amount of sediment deposited in the Mush Creek Channel and the William Danley Reservoir (Corps of Engineers) which is downstream from the project.

The total estimated cost of the project is \$1,298,000 of which the federal share would be \$760,200 with a non-federal cost of \$538,000. The project has a favorable benefit-cost ratio of 1.3 to 1 for flood prevention.

Mr. Chairman, this project in Mush Creek will help the landowners to improve their economic conditions and at the same time, improve their environmental conditions by reducing destruction from flooding and erosion. I urge the Committee to consider it favorably for approval.

Mr. HAAS. The next project is the Sowashee Creek watershed in Mississippi.

## SOWASHEE CREEK WATERSHED, MISSISSIPPI

The Sowashee Creek watershed contains 52,910 acres in Lauderdale County in the extreme east central part of Mississippi, in the upper reaches of the Pascagoula River basin. The city of Meridian with a population of about 54,000 is located almost entirely within the watershed.

The proposed project provides for installation of conservation land treatment practices, supplemented by 13 floodwater retarding structures, one multiple-purpose reservoir with storage capacity for flood prevention and recreation with associated recreation facilities, and about 54 miles of stream channel work. The 54 miles of channel work would consist of 33 miles of clearing and snagging, 20 miles of enlargement, and 1 mile of concrete lined channel. The channel enlargement work and concrete lining will supplement upstream storage and is necessary to provide needed protection to existing development in the Meridian area. The clearing and debris removal primarily benefits upstream agricultural bottom lands.

The proposed project measures will:

(1) Reduce the sediment yield at the mouth of Sowashee Creek more than 50 percent.

(2) Reduce floodwater damages by 90 percent on agricultural lands and by 95 percent within the urban areas.

(3) Provide the opportunity for recreational use for an estimated 84,000 people each year at the multiple-purpose reservoir and adjacent recreation facilities.

(4) Create 517 acres of water surface behind the proposed structures that can be used as lake fishery and waterfowl resting and feeding areas.

The total installation cost of the project is estimated to be \$8.2 million with the sponsoring local organizations providing about \$1.2 million and Public Law 566 funds \$7.1 million. The average annual benefits are estimated to be about \$760,500 with a resultant benefit-cost ratio of 1.5 to 1.

Mr. ROBERTS. Any questions on this project?

If not, we will proceed.

At this point in the record we will include the work plan and map on the Sowashee Creek watershed project and statements received from members regarding this project.

[Material referred to follows:]

#### SOWASHEE CREEK WATERSHED, MISSISSIPPI

*Size and Location.*—52,900 acres in Lauderdale County.

*Sponsors.*—Sowashee Drainage District; City of Meridian; Pat Harrison Waterway District; Lauderdale County Soil and Water Conservation District.

*Purposes.*—Watershed protection, flood prevention, and recreation.

*Principal Measures.*—Soil conservation practices on farms and structural measures consisting of 13 floodwater retarding structures, one multiple-purpose structure with storage capacity for floodwater and recreation, recreation facilities, and 55 miles of channel work. The total storage capacities for the structures is 13,702 acre-feet.

Annual benefits—	Dollars	Percent
To agricultural acreage (land and crops).....	29,700	4
To agricultural improvements.....	2,400	
To nonagricultural improvements.....	455,700	60
Indirect.....	84,700	11
Recreation.....	126,000	17
Secondary.....	62,000	8
Total.....	760,500	100

Project costs	Public Law 566 funds		Other funds		Total dollars
	Dollars	Percent	Dollars <sup>1</sup>	Percent	
Land treatment measures.....	143,000	27	380,000	73	523,000
Structural measures:					
Flood prevention.....	5,885,000	93	447,000	7	6,332,000
Recreation.....	212,000	42	287,000	58	499,000
Project administration.....	863,000	92	72,000	8	935,000
Total.....	7,103,000	86	1,186,000	214	8,289,000

<sup>1</sup> For land treatment measures this is primarily the cost of applying land treatment measures by landowners; for structural measures this is the cost of land rights and project administration. It may also include costs for construction or engineering services for purposes other than flood prevention.

<sup>2</sup> The value of measures already installed (\$334,000) increases this to 18 percent.

*Benefit-Cost Ratio.*—1.5 to 1.



STATEMENT OF HON. G. V. MONTGOMERY, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF MISSISSIPPI

SOWASHEE CREEK WATERSHED PROJECT

Mr. Chairman and members of the committee; thank you for the opportunity to make this appeal to you on behalf of the citizens of my district in Mississippi who are forced to leave their homes and farmlands year after year because of the flooding that has occurred around Sowashee Creek.

Work toward the planning and funding of the Sowashee Creek Watershed Drainage Project began in 1966, with the City of Meridian initiating the project with the assistance of the Soil Conservation Service of the Department of Agriculture. The City has cooperated in every way with the necessary investigations, reports, and procedures, and the people of Meridian are anxious for flood relief.

As Mayor Tom Stuart of Meridian stated to the Senate Committee, we are not asking for a hand-out or just sitting by waiting for Federal assistance. The City of Meridian has already begun work on portions of the project, spending a large portion of its own funds for 1974 on bridge repair work and other flood control and repair projects which were necessary because of flood damage. But it cannot raise the \$8 million that are needed to prevent devastating floods such as we have had in the past several years.

At this time, the total cost of the project is estimated at \$8,289,000, with a benefit/cost ratio of 1.5 to 1. This is much less than has already been spent in damages resulting from these floods over the years, and we consider it a necessary investment in this growing City's future well-being.

I urge your favorable consideration of the project and your authorization of it so that funds can be appropriated as soon as possible and construction can be underway before another flood forces families out of their homes. I know that the people of Meridian and the surrounding area join me in asking for your support and in thanking you for your review of this project.

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STATEMENT OF BRENT BLACKWELDER, WASHINGTON REPRESENTATIVE OF THE  
ENVIRONMENTAL POLICY CENTER, ON THE SOWASHEE CREEK WATERSHED PROJECT  
IN MISSISSIPPI

This statement is presented on behalf of the Environmental Policy Center, the Sierra Club, and the American Rivers Conservation Council. The Committee is considering a number of PL-566 Watershed Projects at this time. We only wish to raise objections to one of these projects, the Sowashee Creek Project in Mississippi, and we hope that the Committee will send this project back for revision and deletion of the extensive stream channelization involved.

Our objections to the Sowashee Creek Project are twofold: first, the extensive channelization will have an adverse effect on fish and wildlife resources and on water quality, and second, the project is designed in part to promote more intensive use of flood prone lands and thus runs directly counter to sound flood plain management. Both the Department of the Interior and the Environmental Protection Agency offered strong comments about the adverse environmental effects of the proposed project. The EPA stated: "The proposed channelization will be detrimental to aquatic life in the streams and to the animals of the natural bottom land ecosystem. Besides increasing erosion and waterborne sedimentation, channelization will also degrade the water quality of Sowashee Creek and its tributaries as a result of increased agricultural runoff from new or more intensively cultivated land close to the channels." EPA stated further that "the drainage of wetlands in the Sowashee Creek Watershed may significantly affect the recharge of the groundwater reservoir which is the main source of water supply for domestic use and livestock in the agricultural areas, as well as the main source for municipal and industrial uses within and outside the watershed." The Department of the Interior raised objection to the adverse wildlife impacts resulting from the clearing of bottomland hardwoods and asserted its belief that "the proposed channel modifications and subsequent maintenance of these channels could result in a permanent loss of stream fishery not a temporary reduction as implied in this (SCS) statement." The Mississippi Game and Fish Commission also stated its belief that the reduction

in the stream fishery resource will not be temporary but "one of a long-lasting effect." The SCS's attempt to reply to these objections is inadequate and we remain convinced that the project is environmentally unsound.

In addition to these environmental objections, the project represents unsound flood plain management practices which are of such concern nationwide because of increasing flood damages despite the large amount of money spent on flood control. The project will encourage the development of flood plain land for non-agricultural use as well as clearing of new agricultural land in the flood plain. The Department of the Interior stated in its comments on the impact statement that "There are plans to expand the industrial area between U.S. Highway 11 and Sowsashee Creek which will result in the clearing of 200 acres of bottom land hardwoods. The development does not appear to be feasible in the absence of the proposed project. In addition, the project also appears to be in conflict with Guideline No. 3 of Watershed's Manual 108 which prohibits the use of channel improvements to bring new land into agricultural production." The Department of the Interior expressed its concern that about 2,000 acres of bottom land hardwood will be cleared in the agricultural flood plain resulting in substantial wildlife losses. The reply to these charges which the SCS offers is unconvincing. The SCS admits that industrial expansion onto the flood plain will occur and that it would be "more expensive without the project." The SCS thus admits that it is helping to underwrite the private sector's unsound land use plans. Rather the SCS should be taking the lead in advocating sound flood plain management practices and requiring comprehensive flood plan zoning. The SCS also proclaims that it does not intend for additional land to be brought under cultivation as the result of the project. We think that the SCS is being naive in not envisioning what the full consequences of its project will be.

We urge the Committee to send this project back to the SCS with directions to delete the channelization involved and with a recommendation that a much more in-depth look be taken at nonstructural measures.

Mr. HAAS. We will proceed then to the Twelve Mile Creek watershed in Iowa.

#### TWELVE MILE CREEK WATERSHED, IOWA

Twelve Mile Creek watershed, containing about 50,000 acres, is located in Union County, Adair County, and Ringgold County, in south-central Iowa. It is 50 miles southwest of Des Moines, Iowa, and is 85 miles east of the Omaha-Council Bluffs metropolitan area. Twelve Mile Creek is a tributary to the Thompson River which flows into the Grand River.

The proposed plan includes the installation of soil conservation practices, 11 grade stabilization structures, 22 floodwater retarding structures, and 1 multiple-purpose reservoir for flood prevention and municipal water supply.

Installation of these project measures will:

- (1) Reduce sheet and rill erosion from 3.4 to 2.8 tons per acre per year.
- (2) Prevent loss of land voiding by gully erosion on 1,384 acres and depreciation of 1,871 acres adjacent to the gullies on 128 farms.
- (3) Reduce average annual floodwater damages to crops and pastures by 78 percent which benefits 54 farms in the 2,270 acre flood plain.
- (4) Reduce sediment entering the Thompson River by 66,730 tons annually.
- (5) Provide 8,000 acre-feet of municipal and industrial water supply for the city of Creston which has experienced numerous years of water shortage in the past.

(6) Provide an estimated 31,500 visitor days of incidental recreation use annually at the 633-acre water supply lake created by the multiple-purpose reservoir.

The total installation cost is estimated to be \$3.7 million of which the local sponsors will provide \$2.1 million or about 57 percent of the total cost.

The average annual benefits are estimated to be \$203,600 with a resultant benefit-cost ratio of 1.2 to 1.

Mr. ROBERTS. At this point in the record we will include the work plan and map on the Twelve Mile Creek watershed project and statements received from members regarding this project.

[Material referred to follows:]

#### TWELVE MILE CREEK WATERSHED PROJECT, IOWA

*Size and Location.*—50,030 acres in Adair, Union, and Ringgold Counties.

*Sponsors.*—Adair County Soil Conservation District; Union County Soil Conservation District; Union County Board of Supervisors; State Conservation Commission; City of Creston; Creston Board of Waterworks Trustees.

*Purposes.*—Watershed protection, flood prevention, municipal and industrial water supply.

*Principal Measures.*—Soil conservation practices on farms; and structural measures consisting of 11 grade stabilization structures, 22 floodwater retarding structures, and 1 multipurpose structure for flood prevention, and municipal and industrial water supply. The total storage capacity of the structure is 23,910 acre-feet.

Annual benefits—	Dollars	Percent
To agricultural acreage (land and crops).....	88,200	43
To agricultural improvements.....	9,100	4
To nonagricultural improvements.....	12,700	6
Municipal and industrial water.....	58,800	29
Indirect.....	8,100	4
Incidental recreation.....	20,500	10
Secondary.....	6,200	3
Total.....	203,600	100

Project costs	Public Law 566 funds		Other funds		Total dollars
	Dollars	Percent	Dollars <sup>1</sup>	Percent	
Land treatment measures.....	18,000	2	780,000	98	798,000
Structural measures:					
Flood prevention.....	1,351,000	79	364,000	21	1,715,000
Municipal and industrial water.....	9,000	1	944,000	99	953,000
Project administration.....	198,000	88	27,000	12	225,000
Total.....	1,576,000	43	2,115,000	57	3,691,000

<sup>1</sup> For land treatment measures this is primarily the cost of applying land treatment measures by landowners. For structural measures this is the cost of land rights and project administration. It may also include costs for construction or engineering services for purposes other than flood prevention.

<sup>2</sup> The value of measures already installed (\$753,000) increases this to 65 percent.

*Benefit-Cost Ratio.*—1.2.





CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., October 8, 1974.

PUBLIC WORKS COMMITTEE,  
Rayburn House Office Building,  
Washington, D.C.

GENTLEMEN: We respectfully request that the enclosed testimony be included in the final Water Resources Subcommittee report regarding the Twelve Mile Creek Watershed Project.

When this project was before the Senate Public Works Committee, testimony was personally delivered by a delegation from the Creston and Union County area which would be affected by the watershed. While they wanted to provide their testimony in the same manner before the House Water Resources Subcommittee, they understood the time limitations facing the members of the subcommittee and were happy to present their case in writing.

I would also like to have my testimony made a part of the report on this extremely worthwhile project.

Thank you very much for your attention to this request.

Sincerely yours,

WILLIAM J. SCHERLE,  
Member of Congress, Fifth Iowa District.

STATEMENT OF HON. WILLIAM J. SCHERLE, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF IOWA

TWELVE MILE CREEK WATERSHED PROJECT

Mr. Chairman, this Subcommittee has before it a request for approval of the Twelve Mile Creek Watershed Project which would serve three counties in Iowa's Fifth District—Adair, Union, and Ringgold counties. This concept would allow greatly needed flood control, water supplies, and soil erosion management for this key agricultural area in Southwest Iowa.

It is my pleasure to represent the corner of the State seeking this essential development. I have been impressed by the citizen groups which have arduously pressed for this goal over a span of several years.

These organizations have carried the Twelve Mile Project from its original conception through a rather complicated process.

They initiated the planning and have seen it through revisions, environmental impact studies, approval by OMB, and, finally, presentation to Congressional Committees. The Senate Public Works Committee recently found the project deserving of a \$1.58 million authorization to finance the federal portion of this enormous effort.

I believe my distinguished colleagues on this Subcommittee will find that the plan presented for their consideration has impressive backing by the communities it is intended to serve.

At the outset, the Southern Iowa Resource Conservation and Development Project, a regional planning council, set the Twelve Mile Watershed up as a priority item essential to growth in the area. Through its A-95 review authority, this body has acted favorably on the entire project.

At the center of this needed undertaking have been leaders in the community of Creston, Iowa. Creston is acutely aware of the demand for expanded water facilities in this three-county area. As the main marketing and distributing center in the vicinity of Twelve Mile Creek, Creston has been designated a growth center by the Economic Development Administration.

As such, the heart of growth goals is an effort to halt a continuous out-migration of Iowans from rural areas. Part and parcel of this drive is the movement to attract new industry and people to communities in Southwest Iowa. Undoubtedly, the Twelve Mile Creek Project will set the groundwork for needed growth.

As background to understanding this situation, we must look at the inadequate supply of water now confronting Creston. Presently, this city has only two low-supply reservoirs—their total capacity lies at 464 million gallons of water. Of that, Creston community consumes easily 300 million gallons each year for a population of 8,500 people. But Creston's need for water is increasing

at the rate of 5%-7% a year, reaching more than double the present use in twenty years. By 1990 the population is projected to be 12,000 or more and consumption will tip upwards of 1.8 million gallons every day—657 million gallons annually. Obviously, the present capacity of these reservoirs will be totally insufficient to handle ordinary consumption, to say nothing of potential growth industries.

Needless-to-say, now is the time to expand these facilities. Some companies have already had to reject the option of locating in or around Creston. Their initial surveys showed the community to be a feasible site, but for the inadequate water situation. Creston has been unable to attract the high-water use industries, despite its other substantial advantages.

This Southwest Iowa region has a good average rainfall—31 to 34 inches per year. But as this summer has shown, periods of drought can be disastrous. Because of rapid run-off, shallow wells are impractical. When they are used, wells must be drilled very deep and the heavy mineral content prohibits extensive use of this method.

In short, the only realistic way to insure a continuous water supply is storage. Rain must be caught as it falls and stored in ponds, lakes, and reservoirs all year long.

Beyond the need for industrial water stores are the compelling agricultural uses. It is important to note that the crying demand for farm goods makes it all the more imperative to facilitate ease of agricultural operation. Rural water systems are crucial to farm production.

To meet future and current demands, it is recommended that Creston store a three-year supply in the proposed Twelve Mile Creek Project. This would allow for existing industry, attraction of new enterprises, domestic consumption, and will contain excessive run-off from heavy rainfalls.

Furthermore, as in communities throughout the United States, this reservoir will mean an outdoor recreational center for Southwest Iowa. It will feature boating, fishing and other outdoor activities so much in demand in this area. Such accommodations as parking, boat ramps, water and toilet facilities will be provided by Creston.

But a larger need will be well-served by the Twelve Mile Project—that of flood control. Damage resulting from flooding is no small problem in Southwest Iowa. Erosion is substantial and it is estimated that without this project over 3,255 acres of land will be lost to erosion in the evaluation period. This agricultural region boasts some of the finest farm land in the world and over \$30,000 of valuable topsoil will be washed away every year if Twelve Mile Creek's Watershed Project is forestalled.

More importantly, flooding inundates 2,272 acres in the 100-year flood cycle, yet I should point out to my colleagues on this subcommittee that the 25-year floods inundate 2,080 acres. Even the 5-year cyclical floods are substantial, washing out 1,600 acres.

To control the tremendous damage mounted by flooding, the watershed area would include some 50,000 acres—26 miles in length. The actual reservoir would stretch over 1,400 acres with an impoundment structure of 633 acres.

This is a sizeable venture, yet the people of Union, Adair and Ringgold Counties are committed to footing a sizeable portion of the \$3.69 million bill for this project.

Specifically, the city of Creston has applied and has had approved a \$1.2 million FHA loan to cover construction of the multi-purpose structure. In addition, Creston plans to finance relocation of the 20 farms and businesses on land to be purchased for this reservoir. Costs for Creston's share of the main structure, land rights costs, related engineering service costs, administrative expenses, as well as outlays for the pumping plant, intake structure and raw water lines to the city will be borne by Creston.

Sponsoring municipalities in the three-county area will pay for the 33 other structures protecting them directly. Land treatment in the surrounding areas will be done by individuals with aid from the RECP program and county SCS officials.

Altogether, these local contributions amount to 57% of the total cost—with their portion reaching \$2.115 million. The remaining \$1.576 million would be supplied through PL 83-566 under discussion today.

As you know, Mr. Chairman, the Senate Public Works Committee gave its strong support to this essential project. That body's willingness to see this

project through was based on two vital factors. First, the people of Southwest Iowa have evidenced their commitment to "put their money where their mouths are." These communities want to see the area thrive and know that without ample water supplies, the region will stagnate.

This brings us to the second reason for the Senate approval—that Committee understood, as I am sure each of my colleagues here does, that this structure will bring an adequate and reliable supply of water for present and projected need to this three-county area.

Project funding of the Twelve Mile Creek Watershed Project is no less than a sound investment in the region's future. Its returns will be substantial, not only for Iowa's long-term development, but for all Americans who depend on the agricultural and no-farm goods which result.

Mr. Chairman, I urge enthusiastic support of this remarkable effort and thank you and the members of this Subcommittee for the time and concerted interest afforded this proposal.

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#### STATEMENT OF E. J. VAN NOSTRAND

Mr. Chairman, Members of the House Committee on Public Works :

This is a group from Creston and Union County, Iowa, to urge your approval of the Twelve-Mile Watershed project planned for construction in Union, Adair, and Ringgold Counties, Iowa. This visit has been arranged through the offices of Congressman William Scherle of the fifth Iowa district where these counties are located.

I am E. J. Van Nostrand, an officer of the Creston Development Company and on January 1 this year I retired as publisher—after 27 years—of the Creston News Advertiser. With me are :

Harold Symonds, chairman of the Union County Board of Supervisors.

Dr. Paul Kasper, dean of our Southwestern Community Area College and a member and spokesman of the Creston City Council.

William Bennett, manager of the Creston city water division.

Charles Eldridge, Union County and Creston community development specialist.

A few opening remarks—

We wish to present this in the context of its multi-purpose use and its overall need to the area :

1. Soil conservation of the watershed area, more and more vital as we see the supply of land becoming tighter.
2. Flood control against erosion and flood damage.
3. Water supply to the City of Creston.
4. Water supply for rural water use and rural development, in the county areas.
5. Recreation and total good life style. A good place in which live.

#### MR. ELDRIDGE'S REMARKS

Mr. Chairman, Representatives of the Committee on Public Works.

In my work with the State Government of Iowa prior to my employment in Union County and Creston, I had considerable contact with the people in southern Iowa. It was not by accident that in my initial contacts in Union County, mention was made of the Twelve Mile Creek Watershed Project and the substantial need for soil erosion and flood control and water supply.

We have in our area of the State of Iowa a regional planning organization, the Southern Iowa Resource Conservation and Development Project. The seven county area-wide priorities for this organization are water related problems. The Southern Iowa Resource Conservation and Development Project, Inc., has also been designated the A-95 review authority for the area and has acted favorably on the Twelve Mile Creek Watershed Project in that capacity.

The Governor of Iowa had delineated sub-state regions for the State of Iowa. Creston has been designated a service center for Region 14, a seven county area in southern Iowa. It is also the service center for participation in the Department of Housing and Urban Development Comprehensive Planning Program. Creston has also been designated a growth center by the Economic Development Administration, since the seven county area has been certified as an Economic Development Administration District. These growth centers must be the focal point of industrial development and recreation to halt the continuous out-migration from

our rural areas. I feel that State and Federal Government will play a major role in reversing this trend. Certainly, a project like the Twelve Mile Creek Project will substantially improve our ability to attract our people to the less populated areas.

Briefly, the watershed area is approximately 50,000 acres and 26 miles in length. The impoundment for the large structure will be 633 acres in size with approximately 1,400 acres of land to be purchased involving 20 landowners.

A 100-year frequency flood will inundate 2,272 acres but, it is important to note, a 25-year flood inundates 2,080 acres and the 5-year flood is substantially damaging, inundating 1,600 acres.

It has been estimated in the Twelve Mile Creek Watershed Work Plan that the area will lose 3,255 acres of land due to erosion in the evaluation period if this project is not installed. Land voiding is estimated at approximately \$30,000 a year. These final figures represent a projected loss of some of the best agricultural land in the world.

#### DR. KASPER'S REMARKS

Mr. Chairman, Representatives of the Committee on Public Works. I am Dr. Paul Kasper and am here representing the citizens of Creston, Iowa, my colleague with me, Mr. William Bennett, Director of the Creston City Water Works, the Creston City Council, of which I am a member, and, as Mayor Pro Tem. My position in the community is Dean of Southwestern Community College.

Creston is the main marketing and distributing center in the vicinity of the Twelve Mile Watershed, and the largest community in southwestern corner of Iowa. The present population of Creston is approximately 8,500 with a projected 1990 population of 12,000.

The main concern of the people of Creston in this watershed is the serious need for water. With the population increasing and industry growing there is a greater demand for water. Creston has been unable to attract any high-water-use industries, and in fact, almost every industry interested in Creston must seriously look at the water situation in its study of Creston as a location site. Due to the low-water potential some industries have located elsewhere, and others have been turned down as having too great an impact on Creston's water supply.

Presently Creston has only two low-supply reservoirs with a capacity of 464 million gallons of water. Creston is using approximately 300 million gallons per year. During dry years, 464 million gallon storage is inadequate. In 1990, estimated water consumption will be 1.8 million gallons daily or 657 million gallons per year. It is recommended for Creston that three years storage be maintained in this structure. The projected use is greater than the present supply, but even now additional storage is needed to allow for existing industry, attraction of industry, domestic consumption, and to meet demands of low runoff years. The main structure will provide Creston with an adequate and reliable supply of water for present and projected domestic and industrial growth.

There is a need for an outdoor recreational center in southwest Iowa. There is a need for expanded boating, fishing, and other outdoor activities.

Seven hundred forty seven acres around the main structure of the watershed will be made available by the City of Creston for recreational use. Public access and a number of recreational facilities such as parking, boat ramps, water and toilets, will be made available by the City of Creston.

The City of Creston will finance the land rights costs, its share of the structure for the main reservoir for the water supply purpose, all related engineering service costs, project administration costs, and costs of an intake structure, pumping plant, and raw water line to Creston by borrowing from the Farmers' Home Administration under loan authority of P.L. 566. Negotiations for this loan have started. The total commitment by the City of Creston is \$1.3 million.

We must have water. We will work to get it. We will share our efforts and services. We need your help and support also, as we cannot do it alone.

#### FINAL REMARKS BY MR. VAN NOSTRAND

Gentlemen, we wish to emphasize again what we feel is a very real need for this project—now in the works for more than 15 years—and to express our strongest support for your proposal to move Twelve Mile Watershed into action. Water and conservation.

For example, in the City of Creston, the water need is increasing at 5% to 7% a year. In just 20 years that means our needs will more than double!

Rural water systems are vital to agricultural living. There is no place to go for water for such systems except to water supplies as Twelve Mile will provide.

We have good average rainfall in southwest Iowa—31 to 34 inches a year. Last year it was some higher and things are pretty wet this year. But we do have dry times, very dry.

We can't use wells for water, except in small quantities and then they have to go very deep. So we simply catch the rain as it falls and store it up in lakes and ponds for use throughout the year—which makes pretty good sense at that.

A few years ago I was visiting with a longtime resident of our area—Carl Petersen. He farms over east of Creston. He recalled, as a boy, how they would drive into town in the spring of the year in a spring wagon and buy corn to finish out the late winter until grass would come. Then crops were short. Now this same area—his own farm in fact—exports corn. They ship it out of the area by the thousands of bushels. They ship it by way of fattened cattle.

This is an area that, in the economic scheme of things, is paying its way—and then some.

You have heard today of the local area support by the many agencies—City of Creston, Union County, the Soil Conservation Service, adjoining County agencies, etc. The R.C. & D. (Resource, Conservation and Development Agency) which covers seven south-central Iowa counties, has placed Twelve Mile Watershed as one of the top priority items for this area.

The plan you have proposed in your legislation that includes Twelve Mile Watershed is vital to our welfare and future growth—if there is to be growth. We need water! We need your help!

We thank you for your time and concern at this hearing this morning.

Mr. HAAS. The next project is the Upper Mulberry River watershed in Georgia.

#### UPPER MULBERRY RIVER WATERSHED, GEORGIA

The Upper Mulberry River watershed is located in the Upper Piedmont soil province of north Georgia and has a drainage area of about 61,480 acres. The towns of Auburn, Carl, Hoschton, and Braselton are located in the project area. The total population of the watershed is estimated to be 6,700.

The proposed project measures consist of conservation land treatment practices, seven floodwater retarding structures, two multiple-purpose reservoirs with storage capacity for floodwater and municipal and industrial water supply, about 1.6 miles of selective debris removal from existing streams, about 16.2 miles of streambank protection, and about 241 acres of roadbank stabilization.

These proposed project measures will:

(1) Reduce average annual damages to agricultural lands, crops, and roads and bridges by about 72 percent; and benefit about 2,400 acres of flood plain owned or operated by 140 families.

(2) Reduce erosion rates and sediment deposition resulting in clearer streams and reduced road maintenance costs.

(3) Improve the forest resource on over 5,000 acres.

(4) Increase the potential for fishing and recreational activities in the area by the creation of about 385 acres of water in the project reservoirs.

(5) Provide for storage of 279 million gallons of municipal and industrial water for Braselton, Hoschton, and Winder. This storage will enable expansion of mains into rural areas and increase the supply

available to five small towns presently securing water from the Winder system.

The total project installation cost is estimated to be \$2.6 million of which the local sponsors will furnish about \$961,000 or 36 percent of the total cost.

The benefits are estimated at \$151,400 annually. The benefit-cost ratio is 1.4 to 1.

This concludes our prepared testimony. If there are any further questions we will be pleased to respond to them.

Mr. ROBERTS. At this point in the record we will include the work plan and map on the Upper Mulberry River watershed project and statements received from members regarding this project.

[Material referred to follows:]

#### UPPER MULBERRY RIVER WATERSHED, GEORGIA

*Size and Location.*—61,481 in Barrow, Gwinnett, Hall and Jackson Counties.

*Sponsors.*—Upper Chattahoochee River Soil and Water Conservation District; Upper Ocmulgee River Soil and Water Conservation District; Oconee River Soil and Water Conservation District; Barrow, Gwinnett, Hall, and Jackson Counties, Ga.; City of Winder, Ga.; Town of Braselton, Ga.; State Highway Department.

*Purposes.*—Watershed protection, flood prevention, municipal and industrial water.

*Principal Measures.*—Soil conservation practices on farms and woodland; with structural measures consisting of 7 floodwater retarding structures, 2 multiple purpose reservoirs with storage capacity for floodwater and municipal and industrial water; about 2 miles of channel improvement, 16 miles of streambank protection, and 241 acres of critical area planting. Storage capacities of structural measures range from 692 to 4,966 acre-feet.

Annual benefits—	Dollars	Percent
To agricultural acreage (land and crops).....	66,900	44
To agricultural improvements.....	700	1
To nonagricultural improvements.....	8,700	6
Indirect.....	3,800	3
Municipal and industrial water.....	11,300	7
Secondary.....	23,100	15
Redevelopment.....	36,900	24
<b>Total.....</b>	<b>151,400</b>	<b>100</b>

Project costs	Public Law 566 funds		Other funds		Total dollars
	Dollars	Percent	Dollars <sup>1</sup>	Percent	
Land treatment measures.....	107,000	15	629,000	85	736,000
Structural measures:					
Flood prevention.....	1,388,000	84	261,000	16	1,649,000
Municipal water.....	0	0	65,000	100	65,000
Project administration.....	189,000	97	6,000	3	195,000
<b>Total.....</b>	<b>1,684,000</b>	<b>64</b>	<b>961,000</b>	<b>2 36</b>	<b>2,645,000</b>

<sup>1</sup> For land treatment measures this is primarily the cost of applying land treatment measures by landowners. For structural measures this is the cost of land rights and project administration. It may also include costs for construction or engineering services for purposes other than flood prevention.

<sup>2</sup> The value of measures already installed (\$1,153,000) increases this to 56 percent.

*Benefit-Cost Ratio.*—1.4 to 1.



Mr. ROBERTS. Does the gentleman from California have a question?

Mr. CLAUSEN. I want to ask a question.

In arriving at your benefit-cost ratio what percentage of interest have you used on all these projects in computing the cost associated with the discount rate?

Mr. HAAS. Well, the cost used in the plan formulation varies project by project, depending exactly on the year in which they were formulated. This particular group of plans used an interest rate ranging from  $5\frac{1}{8}$  percent to  $5\frac{3}{8}$  percent. We do update the benefit-cost ratio using the current rate when the plans are sent forward to the Congress.

The rate used for these plans as shown in attached addendums was  $5\frac{5}{8}$  percent and the current rate, of course, is  $5\frac{7}{8}$  percent.

In all cases the projects still have a favorable cost-benefit ratio.

Mr. ROBERTS. You mean the 1.2 would still have a favorable cost-benefit ratio?

Mr. HAAS. Yes, sir, at  $5\frac{7}{8}$  it would still be 1.1 to 1.

One reason this comes about is that at the same time that the interest rate came into effect we were also allowed to change the prices used for agricultural crops to current normalized prices.

To some extent these offset one another to a slight degree, varying project by project. On this particular one it only reduced the benefit-cost ratio by one-tenth of 1 percent.

Mr. ROBERTS. In watershed programs, do you get assurances of local cooperation or do you get a binding agreement which is enforceable in the courts and which we require of the Corps of Engineers and their sponsors?

Are your agreements just assurances, or is it something that is enforceable in the courts?

Mr. HAAS. No, sir, I am sure that is enforceable.

Each watershed work plan is accomplished by a document called the watershed work plan agreement that it is signed by the sponsoring organizations and by the Soil Conservation Service which is a contractual arrangement.

Mr. ROBERTS. Have you ever had to go to court; have you ever had any problem?

Mr. HAAS. No, sir, in view of the fact that these are locally initiated, locally requested projects, obviously they are generally willing to carry out their share of the obligations.

Mr. ROBERTS. Would you give us an update on the storage of 166 acre-feet of water in the reservoir?

Mr. HAAS. Yes, sir, I certainly will.

Mr. ROBERTS. The gentleman from California has some more questions.

Mr. CLAUSEN. I will yield to the gentleman from Georgia for a second.

Mr. GINN. I appreciate the gentleman yielding.

On the Upper Mulberry River project, is there any channelization involved in this particular project?

Mr. HAAS. In the Upper Mulberry River project there is only about 1.6 miles of debris removal from existing streams and 16 miles of work that we refer to as streambank protection to stabilize the streambanks

from erosion. That would be all the channel work involved in Georgia streams.

Mr. GINN. That is not what we generally refer to as completely dredging of a stream from bank to bank?

Mr. HAAS. No, sir; there would be no major excavation on those streams.

Mr. CLAUSEN. One question I want to ask and I think I know what the answer is, but when you describe a sponsor, is there any deviation from the established pattern in the past where it constitutes a soil organization district, would it be a sponsor other than a soil conservation district?

Mr. HAAS. Yes, as a matter of fact, Mr. Clausen, the sponsors of the project are required by law to be legal subdivisions of State government which do have authority for taxation, and so forth, to carry out their project.

Soil and water conservation districts are in all cases cosponsors, but primarily for the land treatment portion of the project. By and large they do not have taxing authority, and so forth, to acquire land.

So the sponsors who generally carry out the project are often municipalities or drainage districts or other political entities of State government.

Mr. CLAUSEN. And so in describing the local sponsor, this would apply to all of the projects that have been heard here today?

Mr. HAAS. Yes, sir.

Mr. CLAUSEN. Thank you.

Mr. ROBERTS. Any other questions?

The gentleman from Tennessee.

Mr. BAKER. In relation to the interest rate that you mentioned, is that a realistic estimate at this time as to the cost of money that might be available for commission of these projects?

Mr. HAAS. Well, the interest rate used in projects is that determined or promulgated by the Water Resources Council in accordance with a formula which has to do with the long-term bond rate on Government securities.

Now, there is also in addition to that formula a limitation that the rate cannot change more than one-fourth of 1 percent in any given fiscal year which is to avoid major fluctuations in the interest rate.

I think the current long-term rate is probably slightly higher than 5 $\frac{7}{8}$  percent, which is the rate for fiscal year 1975 as established by the Water Resources Council.

Mr. BAKER. And you recommend a project that has a 1-to-1 cost-benefit ratio if we are getting down that close?

Mr. HAAS. Yes, one of these projects is as low as 1.1 to 1. They also range as high as 2.1 to 1.

Of course, we are in an era, sir, as you well know, of rapidly increasing prices and sometimes the costs have escalated beyond—

Mr. BAKER. And those benefits would depreciate also probably in balance there?

You mentioned the value of agricultural crops. I was under the impression that agricultural benefits were not calculated in cost-benefit ratio ownership, it is not—

Mr. HAAS. These projects are predominantly for the protection of agricultural lands from flooding and the benefits derived are from either increased production and/or increased efficiency. We do use an

average or a long-term value for those crops that are produced in flood plain areas. Where flooding is reduced it does increase the values of crops produced.

Mr. BAKER. If that is a reason for a watershed project, that could be to make agricultural lands productive—is that correct?

Mr. HAAS. It would be to improve the efficiency of land now in production.

These projects are not for the purpose of bringing new land into production, but rather for the purpose of improving the physical situation on land now used for crop production.

Mr. BAKER. In the incidents to which you referred, it is in conformance with the act so far as the general use of the watershed program is concerned?

Mr. HAAS. Well, yes, it certainly is.

Mr. BAKER. Thank you, Mr. Chairman.

Thank you, gentlemen.

Mr. ROBERTS. Thank you.

Are there further questions?

Mr. Haas, we appreciate having you here and ask unanimous consent that the staff and other members may file the necessary statements and questions in connection with these projects and we will be quick with you.

These are all the projects you expect to submit this year?

Mr. HAAS. Well, this fiscal year there will be additional projects.

Mr. ROBERTS. I did not say fiscal year.

Until the next Congress.

Mr. HAAS. Until the next Congress, yes, there is one project that is presently in the Office of Management and Budget, Paluxy River, Tex.; and of course we do not know when the OMB may elect to send the project to the committee.

Mr. ROBERTS. We do not have it and this will probably be our last chance to hear you this session.

Thank you very much, Mr. Haas.

Our next witness, Corps of Engineers, Colonel Rees, accompanied by Mr. Irwin Reisler and Mr. Ronald C. Allen.

Colonel, would you proceed, please. Glad to have you back.

**STATEMENT OF COL. MARVIN W. REES, EXECUTIVE DIRECTOR OF CIVIL WORKS, OFFICE OF THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY; ACCOMPANIED BY IRWIN REISLER, CHIEF, PLANNING DIVISION, CIVIL WORKS, OFFICE OF THE CHIEF OF ENGINEERS; AND RONALD C. ALLEN, OFFICE OF THE GENERAL COUNSEL, OFFICE OF THE CHIEF OF ENGINEERS**

Colonel REES. Mr. Chairman, members of the committee, I am Col. Marvin W. Rees, Executive Director of Civil Works, Office of the Chief of Engineers, Department of the Army.

It is a pleasure to appear before the committee to present the Department of the Army's views on certain legislative items which this committee is presently considering.

Sir, with your permission, I will go right into the items.

Mr. ROBERTS. Yes; please.

## POTTSTOWN AND VICINITY, SCHUYLKILL RIVER BASIN, PENNSYLVANIA

Colonel REES. First, I would like to discuss the Pottstown and vicinity Schuylkill River Basin, Pa., project.

Mr. Chairman and members of the committee, this report concerns improvement on the Schuylkill River for flood control at and near Pottstown, Pa. It is in response to resolutions by the Senate and House Public Works Committees.

Two authorized Federal flood control projects for the area, Blue Marsh and Maiden Creek Dam and Reservoir, have not been constructed as yet. Local interests desire improvements primarily to eliminate flood damages, but also to develop potential recreational areas and to further conservation interests.

We recommend a project consisting of approximately 7,600 feet of improved channel, development of spoil-disposal areas as open space along the Schuylkill River, and opening an arch bypass around the High Street Bridge on Manatawny Creek.

The total estimated cost of the project is \$2,626,000 of which \$2,410,000 is Federal. Use of the currently prescribed interest rate of  $5\frac{7}{8}$  percent would give a benefit-cost ratio of 2.7. Local interests are willing to provide the necessary items of local cooperation including the adoption and enforcement of appropriate flood plain use regulations, prohibition of open space development not compatible with the recreation and open space concept, and prevention of encroachment upon the project channels of any works detrimental to the flood control purpose.

The Commonwealth of Pennsylvania and the interested Federal agencies favor the project. The Office of Management and Budget has no objection to the submission of the report to the Congress, subject to reevaluation of the benefits prior to any request for funds to initiate construction. The report was submitted to the Congress and the final environmental impact statement was filed with the Council on Environmental Quality on June 12, 1974.

This project meets all the requirements of section 201 of the Flood Control Act of 1965.

The major environmental impact of the project would be the increased flood protection. Water quality and fishery activities will be affected mainly during construction, when stream turbidity is expected to increase.

This concludes my statement. Mr. Chairman.

If you have questions I will be glad to answer them at this time.

Mr. ROBERTS. Colonel, you referred to two previously authorized Federal Flood Control projects?

Colonel REES. Yes, sir.

Mr. ROBERTS. Why was not this made a part of one of those projects or both of them if it is adjacent to them?

Colonel REES. This particular project provides benefits in its own right.

The two projects on the tributaries where the gentleman there is pointing to, do not take care of flood problems on Manatawny Creek and some local drainage.

They do help each other when operated as a system, sir, but this is a separately justified project in itself.

Mr. ROBERTS. Are there questions?

[No reply.]

Mr. ROBERTS [continuing]. I will place in the record at this point a worksheet on this project and statement received from Representative John H. Ware III, of Pennsylvania.

[Items referred to follow:]

#### POTTSTOWN AND VICINITY, SCHUYLKILL RIVER BASIN, PENNSYLVANIA

*Location.*—In southeastern Pennsylvania, 30 miles northwest of Philadelphia.

*Authority.*—A resolution of the House Public Works Committee, adopted 5 October 1966 and a resolution of the Senate Public Works Committee, adopted 5 November 1969.

*Existing Projects.*—There are no Federal flood control projects in the study area except that upstream of the study area a multipurpose dam and lake is authorized for construction by the Corps of Engineers on Maiden and Tulpehocken Creeks, tributaries of the Schuylkill River upstream of Pottstown.

*Need.*—The river channel capacity in the area is not large enough to pass the discharges associated with storms. Manatawny Creek has experienced flood damages from Schuylkill River backwater and from runoff over the Manatawny watershed. The Pottstown area has suffered from overbank Schuylkill River floods about 45 times since 1757. The greatest flood occurred 22–23 June 1972. Additional recreation areas are needed and protection of wildlife and preservation of open spaces is desired.

#### ALTERNATIVES FOR SATISFYING NEEDS

These included (1) taking no action; (2) non-structural alternatives including flood warning systems, evacuation and flood proofing; (3) flood retarding structures; (4) construction of a levee and floodwall system; (5) removal of the low profile dam on the Manatawny, and (6) combinations of the above. The first alternative would likely result in further degradation of the human environment and would also result in increased flood damages as the value of damageable property increases and the demand for land forces continued use of the flood plain for residential and industrial purposes. Evacuating the flood prone area and resettling the occupants elsewhere is impractical by reason of the undesirable economic impact on individuals and the industrial and commercial community. Implementation of any or all of the other considered non-structural alternatives as a sole plan of improvement was considered impractical, as they would only partially alleviate the severe devastation that accompanies the frequent flooding experienced in the study area. However, certain non-structural measures such as zoning and building codes, and flood warning systems should be implemented by the local interests to complement the proposed plan. The third alternative, upstream impoundment, would not provide benefits in excess of the construction costs. The costs of land acquisition, and utility and highway relocation are prohibitive. Further consideration of that alternative in conjunction with comprehensive protection will be made during the Schuylkill River Review Study. The fourth alternative would require an extensive system of bridge closures to assure its integrity. Even though a higher level of protection would be afforded by levee and floodwall construction, the inherent disadvantages of such a system, in conjunction with the fact that a more suitable plan of protection may be developed in the comprehensive study, resulted in elimination of the alternative. The fifth alternative, in addition to having more severe environmental and sociological effects than the proposed plan, would result in higher costs for basically the same degree of protection. The analysis of the last alternative revealed that in each case the incremental costs of providing the additional measure would exceed the benefits provided by the measure.

*Recommended Plan of Improvement.*—7,600 feet of channel improvement and development of spoil disposal areas as open space along the Schuylkill River and opening an arch bypass around the High Street Bridge on Manatawny Creek.

	Federal	Non-Federal	Total
Estimated cost (July 1972 price level).....	\$2, 410, 000	\$216, 000	\$2, 626, 000
Project economics (interest rate of 5½ percent):			
Annual charges:			
Interest and amortization.....	133, 000	12, 000	145, 000
Maintenance and operation.....		48, 000	48, 000
Total.....	133, 000	60, 000	193, 000
Annual benefits: Damage prevention.....			565, 000

(Includes growth due to development, and assuming Blue Marsh and Maiden Creek operational by 1976 and 1982, respectively, for life of recommended project.)

**Benefit-Cost Ratio.**—2.9 at 5½ percent.

**Local Cooperation.**—Provide, without cost to the United States, all lands, easements, rights-of-way, and suitable spoil-disposal areas necessary for construction of the project; provide without cost to the United States, all relocations of buildings and utilities, highway bridges, sewers, related and special facilities, and local betterments except as otherwise warranted for special reasons; hold and save the United States free from damages due to the construction works; operate and maintain all works after completion in accordance with regulations prescribed by the Secretary of the Army; adopt and enforce appropriate regulations which will permit only uses of the flood plain that are consistent with the flood hazard; prohibit any development of the open space areas created from the spoil disposal, that is not compatible with the recreational and open space concept for which they were intended, at least annually, inform interests affected that the project will not provide complete flood protection; and prevent encroachment upon the project channels of any works detrimental to the flood control purposes of the project.

**Environmental Impact.**—The environmental factors that were considered include land use, water quality, fishery activities, aesthetics and the effects of construction activities. The major beneficial impact of the proposed plan is the increased flood protection that it would afford. Redevelopment may occur in the protected areas. For the most part the water quality and fishery activities will be adversely affected only during construction, when turbidity is expected to increase. The river bottom ecology could be disrupted for a longer period of time. Coordination with the several agencies and experts with knowledge in this regard indicates varying judgments as to the duration of this disruption—from two to fifty years. In order to insure that the proposed work will have a minimum impact upon fish and aquatic life, the Corps of Engineers intends to work closely with the Pennsylvania Department of Environmental Resources and the Pennsylvania Fish Commission of the construction details so that adequate safeguards can be provided.

**Coordination.**—The Commonwealth of Pennsylvania and the Departments of Interior, Agriculture and Transportation, do not oppose the project. The Final Environmental Impact Statement was mailed to the Council on Environmental Quality on 12 June 1974. The Office of Management and Budget has no objections to the report. The report was sent to the Congress on 12 June 1974.

STATEMENT OF HON. JOHN H. WARE III, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF PENNSYLVANIA

Mr. Chairman, I thank you for the opportunity to testify before this subcommittee in support of the flood control project on the Schuylkill River and Manawtawny Creek in the Pottstown, South Pottstown, and Kenilworth, Pa. vicinity.

This area, which is in my congressional district, is one of the most flood-prone areas in the United States. The Schuylkill River has overflowed its banks in the Pottstown vicinity at least 45 times since 1756—19 times since 1928—causing many millions of dollars in damages.

For several decades there has been talk of flood control measures in this area, and a number of State and Federal studies, but residents are still waiting for some effective action.

In the meantime, flooding has continued to occur. In June, 1972, Hurricane Agnes struck, and Schuylkill River and Manatawny Creek became raging torrents trapping the people of the Pottstown area in their homes on—as the Corps of Engineers describes it—“an unreachable island of disaster.” The currents became so swift that rescue operations by boat had to be suspended and helicopters were required. Houses and cars were washed away. Railroads, highways, and bridges were washed out. Six hundred and forty homes and 123 business structures in the Pottstown area were inundated. The water treatment plant and sewage facility were rendered inoperable. Drinking water was available only in certain areas by supplies trucked in from outside. Raw sewage had to be discharged into the water. Oil retention lagoons upstream were flooded and when the flood waters receded a scene of almost unbelievable devastation included a thick layer of mud and oil on wrecked homes, factories, furniture, dead animals and overturned trees. Miraculously, no lives were lost, such as were in previous floods. Ten persons died by drowning in my Congressional District in a 1971 flood. The experience and lessons learned in the tragic 1971 flood were helpful in the flood which followed in 1972.

The Corps of Engineers estimates that an area with a population of less than 30,000 people suffered \$25 million in damages from the 1972 flood. But this monetary estimate does not take into account the intangible personal trauma; the total effect of the disruption of commerce; the threat to life not only from drowning, but from disease and other dangers attendant to flooding. This cost figure does not measure the hundreds of hours donated by an estimated 2,500 rescue workers and other volunteers.

Naturally, the people of Pottstown are living in fear of another flood and this is a great inhibiting factor on the development of the area. Homeowners and businesses have spent millions cleaning up and repairing but you can imagine the constant apprehension of another disastrous flood. As one resident said: “Everytime it rains hard now, I’m frightened.” Last summer there was more flooding although, fortunately, it was relatively minor.

One of the causes for the Pottstown floods is the islands in the Schuylkill formed by silt and dirt from decades of coal mining operations and erosion upstream. The proposed project, among other necessary steps, would remove these islands which are blocking the natural flow of the river during heavy rainfalls.

This project is non-controversial; it is supported by all local officials and residents. As a matter of fact, the Pottstown area people look upon this project as their only hope to avoid future catastrophies. Local officials have indicated to me their serious concern that the people and industries in the flood area could not recover from another serious flood, even if less destructive than the 1972 flood.

For \$2.4 million, I can think of few investments which would mean so much to so many people. It is a small amount compared to the damages and costs of clean-up of past floods in the area. The Corps estimates that average *annual* future flood losses based on the record would be more than the federal share of this project (page 16, Feasibility Report). The benefit to cost ratio is nearly three to one (2.93).

I urge this Subcommittee to approve this critical project. It has already been approved by the Senate Public Works Committee. With approval by the House Public Works Committee, under provisions of Section 201 of the Flood Control Act of 1965, initial funding of this project possibly can be included in a Fiscal 1975 supplemental appropriations bill. Hopefully, the project can be completed before another catastrophe occurs.

Mr. ROBERTS. Please proceed to the next item.

Colonel REES. Among the items that I will address now are four bills, four congressionally named projects.

Mr. ROBERTS. Colonel, I believe you have a couple of these bills that have to have amendments on them. We should have no problem with them.

So in order to meet the vote on the bill that we anticipate having, early this afternoon we would like to shorten it as much as we can.

If you get to those two that have the amendments, you can tell us how we ought to handle them.

## H.R. 11802

Colonel REES. H.R. 11802 would change the name of the Laneport Dam on the San Gabriel River in Texas to the Granger Dam.

The Laneport Dam was authorized by the Flood Control Act of 1954 and is currently under construction. When completed, it will provide flood control, water supply, and recreation for the central portion of the Brazos River basin.

Should H.R. 11802 be enacted into law, the Laneport Dam would be known as the Granger Dam. Granger, Tex., was founded in 1882, is located northwest of the lakesite, and is one of the larger towns in the area affected by the damsite.

The Department of the Army has no objection to the enactment of H.R. 11802, but suggests, in the interest of uniformity, that the bill be amended to read as follows:

Be it enacted by the Senate and House of Representatives in Congress assembled, that the Laneport Dam and the lake to be created by it on the San Gabriel River near Granger, Texas, shall be known and designated as the "Granger Dam and Lake." Any reference in a law, map, regulation, document, record, or other paper of the United States to such dam and lake shall be held to be a reference to the "Granger Dam and Lake."

Mr. Chairman, also should the Congress decide to enact H.R. 6798, we suggest in the interest of uniformity of nomenclature on maps and other documents that it be revised to reflect a change in the name of the dam in addition to a change in the name of the lake created by it.

Mr. ROBERTS. Does counsel have an amendment that will take care of both the reservoir and the dam?

Mr. EDELMAN. We have an amendment to accomplish some of the changes which have been recommended.

Mr. ROBERTS. Thank you.

At this point in the record, we will include a copy of the bill, H.R. 11802, and the statement received from Representative W. R. Poage of Texas.

[Items referred to follow:]

93<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 11802

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 1973

Mr. POAGE introduced the following bill; which was referred to the Committee on Public Works

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## A BILL

To change the name of the Laneport Dam on the San Gabriel River in Texas to the Granger Dam.

- 1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Laneport Dam on the San Gabriel River near  
4       Granger, Texas, shall be known and designated as the  
5       “Granger Dam”. Any reference in a law, map, regulation,  
6       document, record, or other paper of the United States to such  
7       dam shall be held to be a reference to the “Granger Dam”.

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## STATEMENT OF HON. W. R. POAGE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

H.R. 11802

Mr. Chairman, my name is W.R. Poage. I represent the 11th Congressional District of Texas, in which is located what is now known as the Laneport Dam and Reservoir on the San Gabriel River in Williamson County, Tex. Laneport was at one time a small town in the area of the lake. It has, however, for all practical purposes ceased to exist, and most people in Williamson County cannot now locate it. The dam and reservoir are located a short distance south and east of the railroad town of Granger. The people of this area feel that it would be much more appropriate and give much better information to the public to change the name from "Laneport" to "Granger." A much larger town, Taylor, is located a little further away on the south side. I represent Taylor, as well as Granger; and I have consulted with many citizens of Taylor and find no objection whatever to naming the dam and lake for the town of Granger. The bill introduced involves only the dam and not the lake. It was so introduced because at that time I felt there might be some public desire to name the lake for some local individual. Since no such demand has developed, I am now convinced that it would be desirable to name both the dam and the lake "Granger." I would, therefore, ask the Committee to amend the bill, H.R. 11802, by including the lake, as well as the dam, in the change of name.

I thank you for the opportunity to present these views.

## H.R. 6798

Colonel REES. H.R. 6798 provides that Mansfield Lake, Ind., shall be known as Cecil M. Harden Lake. Mansfield Lake is located in Parke and Putnam Counties, Ind. The Mansfield Lake project was authorized by the 75th Congress on June 28, 1938. Construction was completed in July of 1960. The project presently serves the purposes of flood control, outdoor recreation, and fish and wildlife enhancement.

Former Congresswoman Cecil M. Harden during her term in Congress from 1949 to 1959 was an active supporter of water resource development in Indiana, and was a cosponsor of the legislation authorizing the construction of the Mansfield Lake project. She later served as Assistant Postmaster General in 1959-60. Most recently, she has served on the White House Commission on Aging. She presently lives in Covington, Ind.

While the purpose of the bill, to recognize Congresswoman Harden's accomplishments and service to her State and Nation, is certainly laudable, we believe it is preferable as a general policy to restrict the naming of public works and the geographical features created by them to names of persons who are deceased. For this reason we recommend against enactment of H.R. 6798. However, should the Congress decide to enact this bill, we suggest, in the interest of uniformity of nomenclature on maps and other documents, that it be revised to reflect a change in the name of the dam in addition to a change in the name of the lake created by it.

The amendatory language would insure that the dam and the lake created by it would have a common name, thus eliminating confusion that could result from changing only the name of the dam and leaving the lake created by it with its original designation.

Mr. ROBERTS. I will place in the record at this point a copy of the bill, H.R. 6798.

[Bill referred to follows:]

93<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 6798

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1973

Mr. MYERS (for himself, Mr. BRAY, Mr. DENNIS, Mr. HILLIS, Mr. HUDNUT, Mr. LANDGREBE, Mr. MADDEN, and Mr. ZION) introduced the following bill; which was referred to the Committee on Public Works

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## A BILL

To provide that Mansfield Lake, Indiana, shall be known as  
"Cecil M. Harden Lake".

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That Mansfield Lake, Indiana, created under authority of  
4        the Act entitled "An Act authorizing the construction of  
5        certain public works on rivers and harbors for flood con-  
6        trol, and for other purposes", approved June 28, 1938 (52  
7        State. 1215, as amended and supplemented), shall be known

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1        and designated hereafter as "Cecil M. Harden Lake". Any  
2        law, regulation, map, document, or record of the United  
3        States in which such lake is referred to shall be held to refer  
4        to such lake as Cecil M. Harden Lake.

## H.R. 12044

Colonel REES. H.R. 12044 would "\* \* \* modify section 201 of the Flood Control Act of 1962 (76 Stat. 1192) to change the name of the lake to be created by such project from 'Hidden Lake' to 'Hensley Lake.'"

The Hidden Dam and the lake it will create are part of the Fresno River Basin project authorized by the Flood Control Act of 1962 (76 Stat. 1192), which provides for the construction of a dam and reservoir on the Fresno River, Calif., for flood control, irrigation, recreation, and other purposes.

The bill to change the name of "Hidden Lake" to "Hensley Lake" is a proposal of some historical significance. The Hensley family is known to be among the most prominent and influential settlers within the Hidden Lake area of the central San Joaquin Valley in California. In 1861, John J. Hensley brought his family and settled in the area. Over the years and through a number of generations, the Hensleys lived in various locations within the lake area. The last family home was built in 1908 near the Hensley Bridge within the project area.

The Department of the Army has no objection to the enactment of this bill. However, it is not necessary to effectuate an amendment to the project authorization for the purpose of redesignating the name of the lake. Accordingly, the Department of the Army recommends that the bill be amended to read as follows:

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the lake to be created by the Hidden Dam on the Fresno River, Calif., authorized by section 203 of the Flood Control Act of 1962, shall be known and designated as the "Hensley Lake." Any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake as the "Hensley Lake."*

Mr. ROBERTS. I will place in the record at this point a copy of the bill, H.R. 12044 and statement received from Representative Bob Mathias:

[Items referred to follow:]

93<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 12044

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 1973

Mr. MATHIAS of California introduced the following bill; which was referred to the Committee on Public Works

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## A BILL

To modify section 201 of the Flood Control Act of 1962 (76 Stat. 1192) to change the name of the lake to be created by such project from "Hidden Lake" to "Hensley Lake".

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That the Hidden Reservoir flood control project, Madera  
4        County, California, as authorized by section 201 of the Flood  
5        Control Act of 1962 (76 Stat. 1192) is hereby modified to  
6        change the name of the lake to be created by such project  
7        from "Hidden Lake" to "Hensley Lake". Any law, regula-  
8        tion, document, or record of the United States in which  
9        "Hidden Lake" is designated or referred to shall be held  
10       to refer to such lake under and by the name of "Hensley  
11       Lake".

## STATEMENT OF HON. BOB MATHIAS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I am very pleased that your Subcommittee has scheduled a hearing to consider H.R. 12044. The bill would provide for the changing of the name of a lake to be created by the Hidden Reservoir Flood Control project from Hidden Lake to Hensley Lake, in memory of an early prominent pioneer family of Madera County, California.

Since a special act of Congress is required to change the name of a federally authorized project, I introduced the bill in behalf of the citizens of Madera County who expressed support for such a name change. I have referred to the Committee substantiating material and documents supportive of this legislation. The following governmental and civic organizations have endorsed H.R. 12044:

Madera County Board of Supervisors  
 Madera County Historical Society  
 Eastern Madera County Chamber of Commerce  
 Madera County Farm Bureau  
 Madera Kiwanis Club  
 Madera Lodge #327 Independent Order of Odd Fellows  
 Madera Aeria #1046 Fraternal Order of Eagles  
 Soroptimist Club of Madera

It is expected that the project will be completed soon. I have been advised by the Army Corps of Engineers office in Sacramento that the contract for the project includes erection of signs when the project is completed. Without immediate Congressional action, the signs will read "Hidden Lake". The President of the Madera County Historical Society, William E. Welton, has written me of his concern over the cost that will be incurred if the signs are posted before the name is changed by Congress. Since the name change is not a controversial issue, I am hopeful that the Committee will act on H.R. 12044 before the contractor installs the signs indicating the present name of the lake.

## H.R. 15322

Colonel REES. H.R. 15322 would designate the San Angelo Dam and Reservoir on the North Concho River as the O. C. Fisher Dam and Lake.

The San Angelo Dam and Reservoir was authorized by the Flood Control Act of 1941 to serve flood control and related purposes. Construction was completed in 1952.

The Honorable O. C. Fisher is the present Congressman from the 21st District of Texas and is a resident of the city of San Angelo. He has practiced law there, and served as county attorney, State representative, and district attorney before being elected to the 78th and succeeding Congresses. Congressman Fisher has authored several laws creating major water conservation and flood control projects in his district and was instrumental in obtaining approval for construction of the San Angelo Reservoir. Congressman Fisher has announced his retirement upon the expiration of his present term.

While the purpose of the bill, to recognize Congressman Fisher's accomplishment and service to his State and Nation, is certainly laudable, we believe it is preferable as a general policy to restrict the naming of public works and the geographic features created by them to names of persons who are deceased. For this reason we recommend against enactment of H.R. 15322.

Mr. ROBERTS. A copy of the bill, H.R. 15322, and the statement received from Representative Poage will appear in the record at this point.

[Items referred to follow:]

93<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 15322

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IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1974

Mr. POAGE (for himself and Mr. GRAY) introduced the following bill; which was referred to the Committee on Public Works

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## A BILL

Designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake".

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That the San Angelo Dam and Reservoir, North Concho  
4        River, Texas, authorized by the Flood Control Act approved  
5        August 18, 1941, shall hereafter be known as the O. C.  
6        Fisher Dam and Lake, and any law, regulation, document,  
7        or record of the United States in which such project is desig-  
8        nated or referred to shall be held to refer to such project  
9        under and by the name of "O. C. Fisher Dam and Lake".

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## STATEMENT OF HON. W. R. POAGE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

H.R. 15322

Mr. Chairman, my name is W. R. Poage. I represent the 11th Congressional District of Texas, which district adjoins the 21st District so long and so ably represented by the Honorable O. C. Fisher of San Angelo, Texas. Many years ago Mr. Fisher was instrumental in securing the authorization and later the construction of the San Angelo Dam and Reservoir on the North Concho River, near San Angelo, Texas. Mr. Fisher is retiring from Congress at the end of this term. The people of his area feel, as I do, that it is most appropriate that this dam and lake be named the "O. C. Fisher Dam and Lake," respectively. H.R. 15322 provides that the names be so changed. I know of no objection to this change, and I know a great many people who favor the change. I think it is entirely appropriate, and I trust this Committee will approve the needed legislation.

I thank you for the opportunity to present these views.

## S. 2201

Colonel REES. The next bill, S. 2201 is: "To provide for the settlement of certain damage claims against the Federal Government."

S. 2201 would authorize and direct the President or his designee to receive, investigate, settle and pay all claims against the United States for losses incurred by oyster fishermen in the State of Louisiana in the destruction of their oyster crops as a result of the action taken by the United States in opening the Bonnet Carre and Morganza Spillways in Louisiana during 1973.

Such claims could include reasonable expenses incurred as a result of the losses and interest on the principal amount of such claims computed at 6 per centum per annum from the date of such losses.

The President or his designee would be limited to the settlement of these claims to determining (1) whether the losses sustained resulted from the action of the United States in opening the Bonnet Carre and Morganza Spillways during 1973; (2) the amounts to be awarded as compensation for such losses; and (3) the persons entitled to receive such awards. Payment of such an award to any person would be deemed in full settlement and discharge of all claims of that person against the United States for the aforementioned damages arising from actions of the United States.

The President would be required to report to Congress within 2 years of enactment of the bill regarding the character, equities, and amounts involved in each settled claim, together with findings and recommendations for each unsettled claim. The sum of \$5 million would be authorized to be appropriated to carry out the provisions of S. 2201.

The actions of the United States in opening the Bonnet Carre and Morganza Spillways, which are referred to in the bill, were undertaken by the Corps of Engineers during the spring flood of 1973.

The Corps operated these spillways during the flood to accomplish the purpose which they are intended to serve, which is to protect the city of New Orleans and other areas in the State of Louisiana and to limit the flow of water to the safe capacity of the Mississippi River channel below Morganza.

If this operation had not been carried out, existing levees could have been breached which would, in turn, have resulted in a substantial hazard to human life and catastrophic property damage.

Fresh water and low salinity appears to have been characteristic of the areas of the subject Louisiana oyster crops as a result of extensive rains and flooding prior to the operation of the floodways. If S. 2201 is enacted and approved, the amount of damages attributable and restricted to the operation of the floodways will, of course, be one of the many difficult subjects to be resolved administratively as directed by the bill.

Our preliminary observations indicate, however, that some damages suffered by the oyster industry may very well be attributable to the opening of one or the other of the spillways.

While we regret that any damages were suffered by the Louisiana oyster industry during the 1973 floods attributable to our actions or any other source, the Department of the Army remains very concerned with the implications of this bill. The source of our concern is section 3 of Public Law 391, 70th Congress, approved May 15, 1928 (33 U.S.C. 702c) which provides, in pertinent part, that "No liability of any kind shall attach to or rest upon the United States for any damage from or by floodwaters at any place."

It is our understanding that this provision of law has been consistently interpreted as an absolute bar to a successful judicial cause of action against the United States for recovery of any damages resulting from floodwaters due to or in spite of Federal design, construction, operation or maintenance of a flood control project. Accordingly, we believe that the Louisiana oyster industry has no existing legal right of recovery against the United States for damages incurred in this instance.

It is our further understanding and belief that this blanket prohibition on attaching liability to the Federal Government in the instance of floodwater damage reflects a deliberate policy to insure that there will be a reasonable limit to the considerable amounts of Federal funds which have been and are provided for flood control throughout the Nation and that such funds will be expended to implement the most efficient flood control projects and practices. Specifically, we believe that the Congress and the Federal judiciary, in the discharge of its responsibilities to interpret the subject provision of law, have made it very clear that the Congress does not intend the Federal Government assume responsibility for directly compensating for the costs of flood damage as an addition to the costs which the Federal Government already assumes in its well-known attempts to minimize the occurrence and impact of such damage. A contrary policy, which subjected the Federal Government to liability for directly assuming the costs of flood damage, might obviously tend to encourage unsuitable use and development of flood-prone areas.

The Department of the Army believes that the established policy of holding the Federal Government immune from liability for flood damage remains worthy of our continuing support. Accordingly, we must oppose enactment of S. 2201 because we believe that its enactment would provide a very strong precedent for subsequent and continued erosion of the effectiveness of that policy whenever and wherever parties may allege some particular flood damages due to or notwithstanding authorized Federal flood control activities.

Mr. Chairman, that concludes my prepared statement on Senate 2201.

Mr. ROBERTS. Thank you, colonel.

We will take a 15-minute recess.

We will be right back and finish the work.

[Brief recess.]

Mr. ROBERTS. The subcommittee will resume.

Proceed, colonel.

Colonel REES. Mr. Chairman, are there any questions concerning the last one, S. 2201?

Mr. ROBERTS. No questions.

The Corps definitely opposes it, on the part of the Army?

Mr. CLAUSEN. As I see it, and I am only going to make this statement, we are not only dealing with this project and the expressed concern of the Department but we are also, Mr. Chairman, leading with the possibility of setting precedent if this is in fact moved from this committee. That could have, I think, a serious impact on not only the total budget but established policy. I think we are going to have to take a very good look at this, Mr. Chairman.

Mr. ROBERTS. I agree with the gentleman. A copy of the bill, S. 2201 will appear at this point in the record.

[The bill referred to follows:]

**S. 2201**

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**IN THE SENATE OF THE UNITED STATES**

JUNE 19, 1974

Referred to the Committee on the Judiciary

AUGUST 7, 1974

The Committee on the Judiciary discharged, and referred to the Committee  
on Public Works

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**AN ACT**

To provide for the settlement of damage claims arising out of certain actions by the United States in opening certain spillways to avoid flooding populated areas.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        That

4        SECTION 1. (a) The President or his designee is au-  
5        thorized and directed to receive, investigate, settle, and pay  
6        all claims against the United States for losses incurred by  
7        oyster fishermen in the State of Louisiana in connection with  
8        the damage or destruction of oyster crops in such State as a  
9        result of certain action taken by the United States in the

1 opening of the Bonnet Carre and Morganza spillways in the  
2 State of Louisiana during 1973, including claims for reason-  
3 able expenses incurred as a result thereof, and interest on the  
4 principal amount of such claims computed at a rate of 6 per  
5 centum per annum from the date that the losses resulting in  
6 any such claim occurred.

7 (b) As used in this Act, the term "settle" means con-  
8 sider, ascertain, adjust, determine, and dispose of a claim,  
9 whether by full or partial allowance or by disallowance.

10 SEC. 2. (a) The President or his designee is authorized  
11 to issue such rules of procedure for the receipt, considera-  
12 tion, and disposition of claims filed under this Act as he  
13 deems appropriate.

14 (b) Claimants shall submit their claims in writing to the  
15 designated department or agency under such rules as the  
16 President or his designee may prescribe pursuant to subsec-  
17 tion (a), within one year from the date of the enactment of  
18 this Act.

19 (c) The President or his designee shall determine and  
20 pay the amount of awards, if any, in the case of each claim  
21 within twelve months from the date on which the claim was  
22 submitted.

23 SEC. 3. With respect to claims filed and awards paid  
24 pursuant to the provisions of this Act, the President or his  
25 designee shall limit himself to the determination of—

1           (1) whether the losses sustained resulted from the  
2           action of the United States in opening the Bonnet Carre  
3           and Morganza spillways during 1973;

4           (2) the amounts to be awarded as compensation for  
5           such losses; and

6           (3) the persons entitled to receive such awards.

7           SEC. 4. (a) The payment to any person of an award  
8           pursuant to a claim filed under the provisions of this Act  
9           shall be in full settlement and discharge of all claims of such  
10          person against the United States resulting from the damage  
11          or destruction described in the first section of this Act.

12          (b) No claim cognizable under the provisions of this  
13          Act shall be assigned or transferred, other than to the United  
14          States, except by operation of law.

15          SEC. 5. The President shall, within two years after the  
16          date of the enactment of this Act, transmit to the Congress  
17          a report setting forth—

18                 (1) each claim settled by him and paid pursuant to  
19                 the provisions of this Act, with a brief statement con-  
20                 cerning the character and equity of each such claim, the  
21                 amount claimed, the amount approved and paid; and

22                 (2) each claim submitted to him in accordance  
23                 with the provisions of this Act which has not been  
24                 settled by him, with supporting papers and a statement

1 of his findings of facts and recommendations with respect  
2 to each such claim.

3 SEC. 6. There is authorized to be appropriated the sum  
4 of \$5,000,000 for the purpose of carrying out the provisions  
5 of this Act.

Passed the Senate June 18, 1974.

Attest: FRANCIS R. VALEO,  
*Secretary.*

Mr. ROBERTS. Colonel.

H.R. 15284

Colonel REES. Mr. Chairman, my next statement concerns H.R. 15284, Willow Creek Lake, Oreg.

H.R. 15284 would modify the water resources development project for Willow Creek, Oreg., to provide for reformulation of the project and construction of the reformulated project and to authorize Federal participation, in advance of construction of the project, in assisting the city of Heppner, Oreg., in the design and construction of its water supply system which must be relocated due to project construction.

Section 204 of the Flood Control Act of 1965 authorized the Secretary of the Army, acting through the Chief of Engineers, to construct the Willow Creek project to include a multiple-purpose lake on Willow Creek just upstream from the city of Heppner and a minor channel improvement through the city.

The Chief of Engineers has in a special report to the Secretary of the Army, dated May 15, 1974, recounted the present status of the Willow Creek project and certain problems which the Corps of Engineers has confronted, and he has made recommendations for project modification to accord with existing public interest requirements. Some of the more significant changes which the Corps has recommended can only be accomplished with prior congressional approval.

In light of the general authorization which H.R. 15284 would afford us to make these changes, it is appropriate that I outline the present Corps' findings on this subject to explain the probable impact of enactment of this bill.

The Corps has essentially completed its advanced engineering and design studies on this project, and construction funds were appropriated in fiscal year 1974.

Corps' postauthorization studies demonstrate a continuing and urgent need for protection of the city of Heppner from the type of flooding and loss of life it has suffered in the past.

Additional flood control storage to provide a higher degree of protection would be included in the modified project. We found that this

storage would provide flood protection more economically than the authorized channel enlargement through Heppner.

It should be noted, however, that the protection which would be provided would be from storms originating in the Willow Creek drainage area. Heppner will continue to be in jeopardy from damages resulting from thunderstorms centered over the Shobe Canyon area. Such damages, amounting to \$200,000, were suffered in 1971 and \$80,000 in 1969, and the authorized channel enlargement would have reduced these damages only to a minor extent.

The Corps has found, in addition, that irrigation storage is not needed and not economically justified at this time. However, feasibility studies made by the Bureau of Reclamation indicate that irrigation storage may be needed in the near future, and the Bureau has recommended that opportunities for the inclusion of this purpose at a later date not be foreclosed.

Therefore, we would make the necessary present provisions for storage and operational capability of the project for adaptation to this purpose in the future. We would make full use of this storage in the interim to provide for additional flood protection, which storage would ultimately serve the needs for irrigation.

As regards the future irrigation provision at lines 8 and 9 of the bill, we suggest as a technical clarifying amendment that it be reworded to read:

\* \* \* and future use and repayment of costs allocated to irrigation in accordance with reclamation law \* \* \*").

The Corps has found that storage for the authorized purposes of water quality control and municipal and industrial water supply is no longer needed. In the case of water quality control, elimination of pollution at the source removes the need for augmented flows downstream through the city of Heppner. With regard to water supply for municipal and industrial purposes, the city of Heppner has found an alternative source adequate for its needs at a more economical cost. Consequently, the city has withdrawn its request for such storage in the project.

A permanent pool similar to that in the authorized project would be provided for recreation and for environmental and esthetic purposes. Storage for sedimentation requirements remains the same.

In summary, the project presently envisioned by the Corps will provide for considerably more flood control storage than the authorized project; eliminates the downstream channel enlargement; provides for future irrigation in accordance with the request of the Bureau of Reclamation with utilization of this storage for flood control initially; and provides for the necessary storage for sedimentation and esthetic reasons.

Consequently, municipal and industrial water supply would be deleted as a project purpose. The existing requirement that construction of the project cannot be initiated, nor can construction funds be expended for any purpose, until such time as the Secretary of the Interior obtains contracts for reimbursement of the costs of the irrigation storage would be waived, and the authorized improvement of the downstream channel through Heppner would be deleted.

The physical capacity of the Willow Creek project would remain as authorized at 11,500 acre-feet. Its cost is presently estimated at \$13.1 million.

All of this cost would be assumed by the Federal Government since the channel improvement downstream of the project would be deleted.

However, local interests would be responsible for reimbursement of one-half of the separable costs for recreation facilities. Their share is presently estimated to be \$83,000. They have indicated a willingness and ability to participate. It should be noted at this point, however, that such cost sharing does not concern any sharing by local interests for the costs of the permanent pool for environmental and esthetic concerns.

Questions continue to be raised in the review process as to whether this latter element of cost should be treated as a separable cost for recreation purposes to be cost shared in accordance with the provisions of the Federal Water Project Recreation Act of 1965 (Public Law 89-72).

It should also be noted, in my review of this project and in consideration of the bill which you have before you, that construction of this project will require the relocation of a water storage tank and approximately 2 miles of waterline belonging to the city of Heppner. The city passed a bond issue on December 1, 1973, to expand and upgrade its water supply system in order to accommodate its growing population. The authorized amount of the bond issue was based on the assumption that the Federal Government would participate financially in the replacement-in-kind of that portion of the system affected by the project.

The city had originally scheduled initiation of construction in June of this year with the system to be operated by June 1975. For the present, at least, the city has designed that portion of the system unaffected by the project and expects to open bids on this portion next month. Should the city be forced to proceed on its own, subsequent relocation of those improved facilities affected by the Willow Creek project will be more costly to the Federal Government. Presently estimated cost of the Federal share in the relocation program is \$550,000. Subsequent relocation of the improved facilities will cost the Government an estimated additional \$190,000.

The Corps has estimated the total project cost for the modified project at July 1973 prices to be \$13.1 million. Project life has been determined to be 100 years, and the Corps has used a  $3\frac{1}{4}$ -percent interest rate as applicable in this instance for purposes of economically evaluating the project.

Our evaluation has resulted in a finding of total annual project benefits of \$677,000 and total annual costs of \$486,000. Benefit-cost ratio in this calculation is 1.39.

Mr. Chairman, that completes my outline of the status of the Willow Creek project and the recommendations for reformulation of the project which the Corps has made to the Department of the Army in the report which I have previously mentioned. This report is under review at the Department of the Army and the Office of Management and Budget.

This administrative review process has not been completed and issues such as cost sharing for recreational development, incorporation of storage for use in future irrigation, and the appropriateness of the

Corps' economic evaluation techniques have been raised. For example, there remains a question to be resolved concerning the Corps' use of the so-called affluence factor in evaluating this project. The use of this latter evaluation technique involves factoring in per capita personal income projected into the future for affected project areas to determine increase in values and associated flood damages requiring protection.

Although the Corps has determined that use of the affluence factor is appropriate in evaluating the Willow Creek project, the specific procedure for this determination is still a matter for resolution by the administration. Should it be resolved that all or a major portion of all affluence factor benefits claimed for Willow Creek are not credible as a result of this determination, it is not likely that Willow Creek project would remain economically justified.

The economic justification for the modified Willow Creek project as determined by the Corps thus remains an important question for resolution in the review process within the administration.

Accordingly, we must object to the enactment of H.R. 15284 at this time.

Mr. Chairman, that concludes my prepared comments on this bill.

Mr. ROBERTS. Colonel, would you tell me why you used the 3¼ rate on this evaluation?

Colonel REES. Yes, sir, that was the rate that was authorized on the original project and as you know the Water Resources Act of 1974 includes a section pertaining to what is commonly called the grandfather clause—

Mr. ROBERTS. Was this project deauthorized at one time?

Colonel REES. No, sir, it has not been reauthorized.

Mr. ROBERTS. Your authorization then was to make it comply with the benefit-cost ratio?

Colonel REES. Yes, sir.

Mr. ROBERTS. The gentleman from California.

Mr. CLAUSEN. Well, the thing that concerns me here, and maybe I do not understand your testimony adequately, on the one hand the city of Heppner or the people are asking to file the project; and, on the other hand, there seems to be a desire to go forward with the project on their own without this project now.

There is a local sponsor, someone who will support the project to meet the local sponsorship requirements?

Colonel REES. Yes, sir, I have indicated though, as this project is reformulated, the only requirement for the local sponsorship is the cost sharing for recreation, because the irrigation purpose and the channelization through the town which were part of the old project have now been eliminated. Water supply has also been eliminated because of the cost that the town would have to bear to include that purpose.

They find an alternative water source more economic. I believe they are going to use wells.

Mr. ROBERTS. Are you telling us now that we are in no need for this project as the result of the city using another water supply?

Colonel REES. There is no need for the project for water supply, sir. There is a very great need for the project for flood control.

Mr. CLAUSEN. What percentage of the project is flood control? Is it nearly 100 percent, then?

Colonel REES. Yes, sir. About 85 percent to be more exact.

Mr. CLAUSEN. It is basically flood control and recreation?

Colonel REES. Yes, sir, that is correct. Practically all flood control.

Mr. CLAUSEN. What is the severity of the flood problem in the area itself?

Colonel REES. Well, sir, as I indicated they had a flood in 1971 and what was it, some \$200,000 damage? In 1903 some 247 people were drowned from Willow Creek flooding.

This particular area is subject to a flash flood if a storm would happen at the right spot.

Mr. CLAUSEN. And the area is subject to flooding, the city of Heppner?

Colonel REES. Yes, sir.

Mr. CLAUSEN. How many people are living there?

Colonel REES. I believe there are 1,600, and I believe they are moving in a new plywood plant and expect 300 or 400 more people to move in momentarily.

Mr. CLAUSEN. Would this project provide 100 percent flood control protection against that kind of flash flood?

Colonel REES. No, sir. It would not provide 100 percent.

Mr. CLAUSEN. What percentage?

Mr. REISLER. Well, sir, it would provide almost complete protection to floods on Willow Creek but it would not take in floods that come out of the tributary canyons.

Mr. CLAUSEN. What would be the benefit-cost ratio if it were to be evaluated on the basis of 5 $\frac{7}{8}$  percent interest?

Mr. REISLER. About 0.6 percent.

Mr. CLAUSEN. Below parity?

Colonel REES. Yes, sir.

Mr. ROBERTS. Does the gentleman from Georgia have any questions?

Mr. GINN. No questions.

Mr. ROBERTS. Does counsel on either side have any questions? Mr. Edelman.

Mr. EDELMAN. An interesting thought occurred to me, Colonel.

Do I understand that if a project is substantially modified—not just a simple modification, a simple change—but a major revision, do you interpret that the Water Resource Act of 1974 requires the same interest rate even if the project is reformulated? 95 or 100 percent from the original project.

Colonel REES. I do not know if I can specifically address this.

I do not think this project has been reformulated, 100 percent or even 95 percent.

Irv, can you answer that question?

Mr. REISLER. Actually it is the same size project that is authorized and it did meet the requirements of what was previously the Water Resources Council rule for interest rates and subsequently was adopted in the 1974 Water Resources Act.

It is a matter of uncertainty. In one way you could assume that the grandfather provision of the 1974 act would provide for continuation of the 3 $\frac{1}{4}$  percent.

On the other hand, you could consider this a whole reauthorization of the project in which case, of course, the current interest rate would apply.

Mr. CLAUSEN. What was the authorization rate in 1965 and what is it now?

Mr. REISLER. The estimated cost is just about half of what it is now and what it was in 1965.

Mr. CLAUSEN. Roughly \$6 million versus \$11 million now?

Mr. REISLER. Actually it was \$6.7 million compared to about \$13 million now. The size of the reservoir was the same in 1965 as it is today in terms of storage capacity.

Colonel REES. The physical project remains identical with the exception of the elimination of the channelization down through the town.

This is a matter then of changing the purpose of the storage that you have.

Mr. ROBERTS. This change in the channel, was it part of the environmental opposition?

Colonel REES. Not really, sir, it involved determination that we could do the same thing cheaper with the reservoir.

Mr. CLAUSEN. If I understand, in summary, the official position of the Department is in opposition to authorizing this project and then, second, the project itself has not been processed through or cleared by the Office of Management and Budget at this point.

Is that correct?

Colonel REES. Yes, sir, that is correct.

Mr. CLAUSEN. Could you just briefly summarize the reasons for the Department's opposition, about what you spelled out here so that we can complete the record here at this point?

Colonel REES. Well, sir, it has not been completely determined, at least the Department of the Army and the OMB level, as to the required participation by the local interests.

The channelization which would be eliminated is, of course, where the local interests did have additional participation.

However, also involved is the question of whether cost sharing for the permanent pool to be provided for recreation and esthetics should be required.

I do not think it has been established as a policy whether local interests should share in this or not. You could take the position that there is no justification for them to share in the cost of making the project esthetically acceptable.

Mr. CLAUSEN. All right, so your basic position is then that you remain in opposition until a policy decision is made that would apply to this project as well as to similar projects?

Colonel REES. Yes, sir. And to reiterate, there is a question of the economic evaluation that is based on use of an affluence factor. Disregarding the interest rate which counsel brought up, exclusion of this affluence factor from the evaluation, would put the economic justification in jeopardy.

Mr. CLAUSEN. I guess it might be a better statement for the record if we were to relate the fact that the Department of the Army or the Office of Management and Budget really does not have a position but

if you have to take a position you are in opposition now because the project is still under consideration based upon this policy discussion and authorization on the policy?

Colonel REES. Yes, sir.

Mr. ROBERTS. Do you have any assurance that the irrigation water will ever be used or will ever be of benefit at all?

Is there any demand for the irrigation or lack of it? Is this an affluence factor also?

Colonel REES. The Bureau of Reclamation, as I indicated in my statement, feels that there will very likely be a need in the not too distant future. The answer now is "No," there is not a present need.

Mr. ROBERTS. Thank you, Colonel. A copy of the bill, H.R. 15284 will appear in the record at this point.

[Bill referred to follows:]

93<sup>d</sup> CONGRESS  
2<sup>d</sup> SESSION.

# H. R. 15284

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IN THE HOUSE OF REPRESENTATIVES.

JUNE 6, 1974

Mr. ULLMAN introduced the following bill; which was referred to the Committee on Public Works

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## A BILL

To modify section 204 of the Flood Control Act of 1965 (79 Stat. 1085).

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the project for flood protection and other purposes on  
4 Willow Creek, Oregon, as authorized by section 204 of the  
5 Flood Control Act of 1965 (79 Stat. 1085) is hereby modi-  
6 fied to provide for reformulation and construction of the  
7 project for purposes of flood control, recreation, fish and  
8 wildlife, and future irrigation use in accordance with reclama-  
9 tion law of costs allocated to irrigation, and to authorize  
10 advance participation with the city of Heppner, Oregon, in  
11 the design and construction of those elements of the city's

1 water supply system which must be relocated as a result of  
2 project construction. The discount rate applicable to the  
3 project prior to enactment of this Act shall remain in effect  
4 for purposes of cost-benefit analyses.

#### H.R. 15018

Colonel REES. I have one more statement pertaining to H.R. 15018, which is the operation, maintenance, and repair of a bridge at Chester, Ill.

Section 106 of the Water Resources Development Act of 1974 (Public Law 93-251) authorizes the States of Illinois and Missouri to contract individually or jointly with the city of Chester, Ill., on or before June 1, 1974, to assume responsibility for operating, maintaining, and repairing Chester Bridge and the approaches to the bridge. This bridge connects Illinois and Missouri, and section 106 establishes certain guidelines on the charging of tolls and the use of toll revenues concerning this bridge and certain rights to be vested in either of the two States involved should one of them decline to assume the joint maintenance responsibility which is authorized.

This bill, H.R. 15018, which this committee now has under consideration, would simply extend for 1 additional year to June 1, 1975, the time in which either or both Illinois and Missouri may enter into the aforementioned bridge maintenance contract with the city of Chester. The Department of the Army does not object to the enactment of H.R. 15018. However, we believe that the primary responsibilities for the protection of Federal interests in this type of circumstance have been vested in the Department of Transportation. Accordingly, we defer to the views of that Agency on the merits of H.R. 15018.

Mr. Chairman, I have now concluded all of my prepared comments for presentation to the committee today. I will be very pleased to answer any remaining questions which you may have.

Mr. ROBERTS. All right, counsel has a question.

Mr. EDELMAN. I have a comment.

You referred to the views of the Department of Transportation.

I think the record should indicate that I spoke to the Bureau of the Federal Highway Administration today and they have interposed no objection to this bill.

Mr. ROBERTS. Thank you, Colonel. Always glad to have you. A copy of the bill, H.R. 15018 will appear at this point in the record.

[Bill referred to follows:]

93D CONGRESS  
2D SESSION

# H. R. 15018

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IN THE HOUSE OF REPRESENTATIVES

MAY 28, 1974

Mr. BURLISON of Missouri introduced the following bill; which was referred to the Committee on Public Works

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## A BILL

To extend for one year the time for entering into a contract under section 106 of the Water Resources Development Act of 1974.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That section 106 of the Water Resources Development Act  
4        of 1974 (Public Law 93-251) is amended by striking out  
5        "June 1, 1974" and inserting in lieu thereof "June 1, 1975".

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Mr. ROBERTS. The next witness is our distinguished colleague from Missouri, Mr. Burlison, the author of H.R. 15018.

### STATEMENT OF BILL D. BURLISON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. BURLISON. Mr. Chairman, thank you for the opportunity to appear before your distinguished subcommittee on behalf of Missouri's 10th Congressional District.

S. 3546 (H.R. 15018) provides for a 1-year extension from June 1, 1974 to June 1, 1975, for entering into a contract approved in section

106 of the Water Resources Development Act of 1974 (Public Law 93-251). This section relates to Chester Bridge, Missouri and Illinois. For the past 4½ years substantial efforts have been made to remove the controversial tolls and to investigate the alleged irregularities in the management of the Chester Bridge.

This has been a smoldering controversy with my constituents, many who have property or work in the State of Illinois. This bridge is of the utmost importance to interstate commerce between Missouri and Illinois as it is the only highway crossing of the Mississippi River between St. Louis and Cape Girardeau. It is imperative, therefore, that the bridge be operated in a manner consistent with the legitimate interests of these interstate users. The Rivers and Harbors Act of 1966 gave the city of Chester, Ill., the right to divert tolls to nonbridge purposes, but that authority ended on January 1, 1969. Following this expiration date, public hearings and investigations were held on the use and abuse of the Chester toll bridge. A formal complaint was filed with the Federal Highway Administration charging the Bridge Commission and the city of Chester with discrimination in the collection of the tolls, issuing free passes to influential persons and misallocation of funds collected. This issue has continued to hold the attention of the residents of the area subsequent to these actions.

After a culmination of 3 years work by Missouri Representatives a provision was included in the Water Resources Development and River Basin Monetary Authorization Act of 1973 to set up procedures for disposing of the longstanding Missouri-Illinois dispute with respect to retirement of the indebtedness for the Mississippi River Bridge at Chester, Ill. In effect it would bring an end to tolls on Chester Bridge in 2 years or less with the States of Missouri and Illinois taking over operation and maintenance of the bridge from the city of Chester, Ill., and eliminating tolls as soon as sufficient funds are accumulated to pay off any outstanding indebtedness.

It appears, however, that difficulties have arisen since the enactment of Public Law 93-251 which would necessitate additional time to resolve this long time dispute. The extension of 1 year included in the bill before you today will aid in allowing time to satisfactorily work out all of the details and arrangements now pending between the two States. It is essential that after the struggle that we have encountered in an effort to reach this point that we fully explore whatever possibilities that exist between Missouri and Illinois to finally determine a course of action in this controversy.

The Senate has already approved this measure.

I respectfully request the favorable consideration of your subcommittee for the extension designated in H.R. 15018 and S. 3546.

Thank you again Mr. Chairman for your courtesy in permitting me this time before this important subcommittee.

Mr. ROBERTS. Thank you very much.

Are there other witnesses to come before the committee?

If not, the subcommittee will go into markup session.

[Whereupon, at 3:30 p.m., the subcommittee proceeded into markup session.]

