Public Law 91-282

AN ACT

June 19, 1970
[H. R. 15166]

Authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Amount
Alabama-Coosa River	Mar. 2, 1945	$45,000,000
Arkansas River	June 28, 1938	89,000,000
Brazos River	Sept. 3, 1954	5,000,000
Columbia River	June 28, 1938	263,000,000
Lower Mississippi River	May 15, 1928	167,000,000
Missouri River	June 28, 1938	109,000,000
Ohio River	June 22, 1936	69,000,000
Quachita River	May 17, 1950	18,000,000
San Joaquin River	Dec. 22, 1944	18,000,000
South Platte River	May 17, 1950	21,000,000
Upper Mississippi River	June 28, 1938	2,000,000
White River	June 28, 1938	4,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $810,000,000.

Central and southern Florida.

62 Stat. 1175; 82 Stat. 740.

SEC. 2. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 for the prosecution of the central and southern Florida comprehensive plan for flood control and other purposes approved in the Flood Control Act of 1948, and subsequent Acts of Congress: *Provided*, That not to exceed $5,000,000 of this authorization shall be available solely for the accelerated construction of borrow canal L–70, canal C–308, canal C–119W, and pumping station S. 326, together with such other works in the plan of improvement as the Director of the National Park Service and the Chief of Engineers agree are necessary to meet the water requirements of the Everglades National Park: *Provided further*, That as soon as practicable and in any event upon completion of the works specified in the preceding proviso, delivery of water from the central and southern Florida project to the Everglades National Park shall be not less than 315,000 acre-feet annually, prorated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 16.5 per centum of total deliveries from the project for all purposes including the park, whichever is less.

Chesapeake Bay Basin Comprehensive Study.
79 Stat. 1095.

SEC. 3. In addition to the previous authorization, the completion of the Chesapeake Bay Basin Comprehensive Study, Maryland, Virginia, and Pennsylvania, authorized by the River and Harbor Act of 1965 is hereby authorized at an estimated cost of $9,000,000.

Scioto River, Ohio.
76 Stat. 1188; 79 Stat. 1085.

SEC. 4. The flood control project for the Scioto River, Ohio, authorized in section 203 of the Flood Control Act of 1962 and modified by section 205 of the Flood Control Act of 1965 is hereby further modified (1) to authorize the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Big Darby Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection sub-

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stantially equivalent to that provided by the project as originally authorized.

Delaware River Basin.

SEC. 5. (a) The project for comprehensive development of the Delaware River Basin, as authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 522, 87th Congress, by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is hereby modified to permit use of the head and water releases of Tocks Island Reservoir as an incident to a pumped storage hydroelectric power development project by applicant presently seeking approval to undertake such development before the Delaware River Basin Commission, subject to the provisions of this section and the pertinent provisions of the Delaware River Basin Compact and the Federal Power Act, including section 10(e) (16 U.S.C. 803(e)) providing for payment of annual charges to the United States: *Provided*, That the annual charges payable by applicant for use of the Tocks Island project by the aforesaid pumped storage development, including use of project head and water releases, shall be not less than $1,000,000.

75 Stat. 688.
49 Stat. 863.
16 USC 791a.
49 Stat. 842;
76 Stat. 447.

(b) The Secretary of the Interior shall insure that the planning and construction of the aforesaid pumped-storage project shall be undertaken in accordance with the conditions and requirements relating to Sunfish Pond and Kittatinny Mountain set forth in paragraph numbered (3)(A) of Resolution Numbered 68–12 adopted October 28, 1968, by the Delaware River Basin Commission: *Provided*, That the Federal Power Commission shall adopt, as part of any license to construct, operate, or maintain the aforesaid pumped-storage project, those requirements and conditions determined by the Secretary of the Interior to be necessary to insure conformance with the provisions of paragraph (3)(A) of such resolution: *Provided further*, That in no event shall the upper pool of the applicant's proposed pumped-storage project be located on land other than that owned by applicant on April 15, 1969.

(c) Any license issued by the Federal Power Commission subject to the provisions of this section shall be conditioned upon the licensee delivering power and energy in an amount not less than, and at a cost not greater than that which would have been delivered from installation of power facilities heretofore authorized, to all preference customers eligible to purchase power from such heretofore authorized facilities: *Provided*, That, for the purposes of this section, the Delaware River Basin Commission will be considered a preference customer, and the Secretary of the Interior is hereby authorized to allocate such power as may be available under this subsection on an equitable basis among such preference customers.

(d) Power and energy shall be made available by any licensee to the United States free of cost for operation and maintenance of Tocks Island Dam.

(e) The Tocks Island project and the aforesaid pumped-storage development shall be constructed in such a manner as not to preclude installation at any time of power facilities heretofore authorized at Tocks Island Dam and use of its head and water releases for power purposes by the United States.

(f) In carrying out the purposes of this section, the Secretary of the Army and the applicant shall enter into an agreement providing for the payment by the applicant to the United States of such economic costs as may be incurred by the United States in the design, construction, and operation of the Tocks Island Dam necessary to preserve its suitability for the aforesaid pumped-storage development by applicant and power facilities heretofore authorized. In the event a license is not issued for the aforesaid pumped-storage development and the

United States constructs the heretofore authorized power facilities, the costs incurred by the United States to preserve the suitability of the project for the installation of such authorized power facilities will be borne by the United States. In the event of failure to reach timely agreement, the Secretary of the Army shall determine the payment to be made to the United States, and the applicant shall be liable therefor: *Provided*, That such determination shall be subject to review by the Federal Power Commission.

Benbrook Dam, Tex.

SEC. 6. That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas", approved July 24, 1956 (70 Stat. 632), is amended by inserting immediately after "Fort Worth" the following: ", and with the Benbrook Water and Sewer Authority,".

Libby Dam, Mont.

SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount not to exceed $750,000, may be used in participation with the State of Montana in the construction, operation, and maintenance of fish hatchery facilities, and the performance of related services, by the State for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers.

Rock Island, Ill., toll bridge.

SEC. 8. That subsection (c) of the first section of the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa," approved March 18, 1938 (52 Stat. 110), as amended is amended by striking out "1970" and inserting in lieu thereof "1972".

72 Stat. 582; 80 Stat. 1415.

Muscatine Bridge Commission, extension.

SEC. 9. That section 15 of the Act entitled "An Act creating the Muscatine Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Illinois", approved July 26, 1956 (70 Stat. 669; Public Law 811, Eighty-fourth Congress), as amended, is amended (1) by striking out "three years" and inserting in lieu thereof "six years", and (2) by striking out "five years" and inserting in lieu thereof "eight years".

80 Stat. 274.

Denison Dam, Tex. - Okla.

54 Stat. 1200; 71 Stat. 368.

SEC. 10. (a) That the project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act of 1938 (52 Stat. 1215), as amended, is hereby modified to provide that the city of Sherman, Texas, is authorized to construct a barrier dam across the Big Mineral Arm of Lake Texoma so as to create a subimpoundment of not to exceed ninety-five thousand acre-feet, for the purpose of providing a municipal and industrial water supply in an amount not to exceed fifty-two thousand acre-feet annually. The city of Sherman shall reimburse the United States the costs, as determined by the Secretary of the Army, acting through the Chief of Engineers, allocable to an amount of storage in Lake Texoma equal to that in the subimpoundment, in accordance with the provisions of the Water Supply Act of 1958, as amended (43 U.S.C. 390(b)–(f)), including the loss in power revenues attributable to the subimpoundment.

72 Stat. 319; 75 Stat. 210. 43 USC 390b note.

(b) The location and plans for the barrier dam shall be submitted to the Chief of Engineers and the Secretary of the Army for approval prior to construction in accordance with section 9 of the Act of March 3, 1899 (33 U.S.C. 401).

30 Stat. 1151.

(c) Prior to construction of the barrier dam, the city of Sherman shall agree in writing to (1) provide satisfactory means for the transferral of small pleasure craft to and from the subimpoundment and Lake Texoma; (2) obtain any necessary State water rights required

for use of the stored waters; (3) hold and save the United States free from all damages due to construction, operation, and maintenance of the barrier dam and subimpoundment; (4) operate and maintain the barrier dam and subimpoundment in accordance with regulations issued by the Secretary of the Army; and (5) pay the costs of any alterations or relocations of Federal facilities necessitated by the subimpoundment.

Short title.

SEC. 11. This Act may be cited as the "River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970".

Approved June 19, 1970.

Public Law 91-283

AN ACT

June 19, 1970
[H. R. 10184]

To provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Montana.

Sioux Tribe, Fort Peck Indian Reservation, Mont.
Judgment funds, disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Sioux Tribe of the Fort Peck Reservation, Montana, in Indian Claims Commission Docket Numbered 279A and the interest thereon, after payment of attorney's fees and all appropriate expenses, and after deducting $50,000 to be used as provided in section 5 of this Act, and after deducting the estimated costs of distribution, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States and duly enrolled, on a roll approved by the Secretary of the Interior, as a member of the Sioux Tribe of the Fort Peck Reservation, in accordance with eligibility requirements and procedures agreed upon by the Secretary of the Interior and the tribe, or its authorized representatives.

Per capita shares.

SEC. 2. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Sioux Tribe of the Fort Peck Reservation, Montana, to be expended for any purpose designated by the tribe and approved by the Secretary.

Minor enrollees, protection of interests.

SEC. 3. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

Tax exemptions.

SEC. 4. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 5. Upon agreement by the Fort Peck Sioux Tribe and the Fort Peck Assiniboine Tribe on the amount each agrees to contribute from any award to each tribe in Indian Claims Commission Docket No. 279A, the agreed contribution of the Fort Peck Sioux Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 1 of this Act, and credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Sioux Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 1 of this Act.

Approved June 19, 1970.