

Public Law 97-128
97th Congress

An Act

To deauthorize several projects within the jurisdiction of the Army Corps of Engineers.

Dec. 29, 1981

[S. 1493]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 204 of the Flood Control Act of 1965 (Public Law 89-298) is amended as follows: "The Dickey-Lincoln School Lakes project, Saint John River, Maine, is hereby modified to deauthorize that component of the project known and referred to as the Dickey Dam and its associated transmission facilities."

Army Corps of Engineers projects, deauthorization. 79 Stat. 1074.

(b) No Federal agency or department shall consider any license application relating to hydropower projects above the site of the Lincoln School Dam on the Saint John River and its tributaries, Maine, for a period of two years after the enactment of this Act.

SEC. 2. (a) The authorization for the Meramec Park Lake (hereinafter in this section referred to as the "project") contained in that portion of the general comprehensive plan for flood control and other purposes in the Upper Mississippi River Basin, which plan was authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1218), as modified by section 203 of the Flood Control Act of 1966 (Public Law 89-789), is hereby terminated.

Authorization, termination.

80 Stat. 1419.

(b) The Secretary of the Army, acting through the Chief of Engineers (hereinafter in this section referred to as the "Secretary"), shall immediately undertake interim management and maintenance of works, structures, and interests in lands related to the project pending the implementation of the subsequent provisions of this section.

(c) The Secretary shall dispose of works, structures, and interests in lands related to the project as follows:

Project disposal.

(1) To the State of Missouri, all right, title, and interest in and to not less than three thousand three hundred and eighty-two acres nor more than five thousand one hundred and twenty-two acres, as determined by the Governor of the State of Missouri.

(2) A perpetual easement sufficient to safeguard for the river user the natural, cultural, and visual resources of the Meramec River and Huzzah and Courtois Creeks shall be conveyed to the State of Missouri. The Secretary is hereby directed to establish such easements in conjunction with the State of Missouri. Said easements shall be not less than one hundred feet nor more than one-quarter mile as measured from the normal highwater mark of said river and creeks, taking into consideration the varying terrain of such lands and the best public interest. Said easement shall be available for the development of the Ozark Trail, which will be constructed and maintained by the State of Missouri.

The Secretary shall submit to the State of Missouri before January 6, 1982, an offer to convey the lands authorized by this section. If the

Land conveyance.

State, by statute, disapproves such conveyance on or before April 30, 1982, the Secretary shall immediately offer all the works, structures, and interests in lands for sale to the previous owners in accordance with paragraph (2) of subsection (d) of this section. If the State fails to disapprove such conveyance on or after April 30, 1982, solely because of a veto by the Governor, the offer to convey by the Secretary shall remain valid until such time as the veto is sustained or overridden in accordance with State law.

(d)(1) Within ninety days of the date a conveyance is made to the State of Missouri in accordance with subsection (c) of this section, the Secretary shall offer the remainder of the works, structures, and interests in lands related to the project for sale to the previous owners at the current appraised value. Such previous owners shall have a period of one year in which to enter into a contract for the repurchase of such properties, after which any remaining works, structures, and interests in lands shall be sold at a public auction, or a series of public auctions, to be conducted following reasonable public notice and advertising of the time and place of such auction or auctions, until such time as all remaining works, structures, and interests in lands have been disposed of.

Land
conveyance,
disapproval.

(2) If the State of Missouri disapproves such conveyance in accordance with subsection (c) of this section, the Secretary shall offer all the works, structures, and interests in lands related to the project for sale to the previous owners at the current appraised value. Such previous owners shall have a period of one year in which to enter into a contract for the repurchase of such properties, after which any remaining works, structures, and interests in lands shall be sold at a public auction, or a series of public auctions, to be conducted following reasonable public notice and advertising of the time and place of such auction or auctions, until such time as all remaining works, structures, and interests in lands have been disposed of.

Surviving
spouse.

(3) For purposes of this subsection, in any case in which the previous owner of any interest in land is dead, the surviving spouse or, if there is no surviving spouse, the heirs at law of such previous owner shall be deemed to be the previous owner of such interest.

(e) The Secretary is authorized either to comply with or to enter into a mutual agreement to cancel any executory contract the United States has entered for the purchase of lands for the project at the request of any landowner who is a party to such a contract, within six months after the date of enactment of this Act.

42 USC 4601
et seq.

(f) Nothing in this section shall terminate the authority or responsibility of the United States to satisfy, pursuant to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 U.S.C. 4601 et seq.) and any other applicable provision of law, all relocation assistance, and other obligations arising out of the acquisition, prior to the date of enactment of this Act, of any interest in real estate for the project.

(g) Funds authorized prior to enactment of this Act for the project specified in this section may be utilized by the Secretary, as necessary, to carry out the provisions of this section to deauthorize the project.

Appropriation
authorization.

(h) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such structural and nonstructural measures as he determines to be economically and engineeringly feasible to prevent flood damage to communities along the route of the Meramec River in Saint Louis and Jefferson Counties, Missouri. Such structural measures shall not include the construction of any dams or reservoirs. There is authorized to be

appropriated for those fiscal years which begin on or after October 1, 1982, not to exceed \$20,000,000 to carry out the provisions of this subsection.

(i) The Secretary of the Army, acting through the Chief of Engineers, and in consultation with the Governor shall conduct a cooperative water supply study with the State of Missouri for the Meramec River Basin, Missouri, with particular emphasis on Saint Louis and Jefferson Counties, Missouri. In preparing such study, the Secretary of the Army, acting through the Chief of Engineers, and the State of Missouri shall coordinate with appropriate units of local government and shall consult with other individuals and organizations having a direct interest in water supply problems in such river basin. The report required by this section shall be submitted to Congress not later than January 1, 1983. The views of the Governor shall accompany the report of the Secretary of the Army.

Report to
Congress.

SEC. 3. The authorizations for the projects described in this section, at the locations described, are terminated upon the date of enactment of this Act:

Authorizations,
termination.

(a) ILLINOIS: HELM RESERVOIR.—The project for Helm Reservoir, Skillet Fork of the Wabash River, Illinois, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483), as part of the Wabash River Basin comprehensive plan.

82 Stat. 739.

(b) ILLINOIS: LINCOLN DAM.—The project for Lincoln Dam and Reservoir, Wabash River, Illinois and Indiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298).

79 Stat. 1074.

(c) INDIANA: BIG BLUE DAM.—The project for Big Blue Dam, Big Blue River, Indiana, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483).

(d) ILLINOIS: ILLINOIS RIVER DUPLICATE LOCKS.—The project for the Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87-874).

76 Stat. 1173.

(e) VIRGINIA: NANSEMOND RIVER.—The portion of the project for the Nansemond River, Virginia, from the United States Highway 640 Bridge at Suffolk, Virginia, to the upstream project limits at river mile 18.66, a distance of approximately two thousand five hundred feet, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and other purposes", approved August 11, 1888 (25 Stat. 410), and modified by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 922).

(f) INDIANA: CLIFTY CREEK DAM.—The project for the Clifty Creek Dam, Clifty Creek, Indiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298).

(g) DELAWARE-MARYLAND-VIRGINIA: INTRACOASTAL WATERWAY.—The project for the Delaware Bay, Delaware, to Cape Charles, Chesapeake Bay, Virginia, Intracoastal Waterway, authorized under the terms of section 201 of the Flood Control Act of 1965 (Public Law 89-298).

42 USC 1962d-5.

(h) MARYLAND: SIXES BRIDGE.—The project for Sixes Bridge Dam and Lake, Maryland, authorized by section 85 of the Water Resources Development Act of 1974 (Public Law 93-251).

42 USC 1962d-7
note.
Boston, Mass.,
bridge
construction.

SEC. 4. (a) The consent of Congress is hereby given to the City of Boston to construct, maintain, and operate a fixed-span bridge in and over the water of the Fort Point Channel, Boston, Massachusetts, lying between the northeasterly side of the existing Summer Street

Bridge and the northeasterly side of the existing Northern Avenue Bridge.

(b) Work shall not be commenced on such bridge until the location and plans therefor are submitted to and approved by the Secretary of Transportation.

(c) Any project heretofore authorized by an Act of Congress, insofar as such project relates to the above described portions of Fort Point Channel, is hereby abandoned.

(d) In approving the location and plans of any bridge, the Secretary of Transportation may impose any specific conditions relating to the maintenance and operation of the structure which may be deemed necessary in the interest of public navigation.

84 Stat. 1824.

SEC. 5. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized in section 201 of the Flood Control Act of 1970 is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a combination of channel enlargement work and diversion channels along Ellicott Creek mostly in the town of Amherst in accordance with the report of the Chief of Engineers dated April 2, 1979, except that cost sharing for such project shall be as provided in the report of the Board of Engineers for Rivers and Harbors dated July 20, 1978, at an estimated cost of \$13,200,000.

90 Stat. 2923.

SEC. 6. (a) The lock authorized by section 114 of the Water Resources Development Act of 1976 (Public Law 94-587), as a replacement for Vermilion Lock, Louisiana, shall hereafter be known as Leland Bowman Lock. Any law, regulation, map, document, or record of the United States which refers to such lock shall hereafter be held and considered to refer to such lock as "Leland Bowman Lock".

76 Stat. 1180.

(b) The dam and reservoir on the Salt River, Missouri, known as the Clarence Cannon Dam and Reservoir, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874) as the Joanna Reservoir, shall hereafter be known as the Clarence Cannon Dam and Mark Twain Lake. Any law, regulation, map, document, or record of the United States in which such dam and reservoir are referred to shall be held and considered to refer to such dam as the Clarence Cannon Dam and to such reservoir as the Mark Twain Lake, respectively.

Tampa, Fla.,
bridge
construction.

SEC. 7. (a) The consent of Congress is hereby given to the city of Tampa, Florida, or its designee to construct and maintain two fixed-span bridges in and over the waters of the Garrison Channel, Tampa, Florida; one bridge to be at or adjacent to the site of the existing bascule railroad bridge and the other bridge to be at the site of the southerly extension of Franklin Street. Work shall not be commenced on such bridges until the location and plans therefor are submitted to and approved by the Secretary of Transportation.

(b) In the case of any project authorized before the date of enactment of this Act which relates to that portion of Garrison Channel from the point of intersection of the easterly right-of-way line of the existing railroad bridge with the existing pierhead and bulkhead line on the north side of Garrison Channel, westward to, but not to include the turning basin at the junction of Garrison and Seddon Channels, the authorization relating to such portion of Garrison Channel shall be terminated upon approval by the Secretary of Transportation of the location and plans for the first of the bridges referred to in subsection (a) of this section.

(c) Any project authorized before the date of enactment of this Act as it relates to the construction and maintenance of Seddon Channel, is hereby modified to provide for a channel two hundred feet wide by

twelve feet deep from the junction of Sparkman and Seddon Channels northwesterly to its intersection with the Federal navigation project for the Hillsborough River.

(d) In approving the location and plans of any bridge under this section, the Secretary of Transportation may impose any specific conditions relating to the maintenance and operation of the structure which the Secretary deems necessary in the interest of public navigation.

Sec. 8. No houseboat, floating cabin, marina (including any with sleeping facilities), dock, cabin, or other structure of a permanent nature shall be required to be removed before December 31, 1989, from any Federal water resources reservoir or lake project administered by the Secretary of the Army, acting through the Chief of Engineers, on which it was located on the date of enactment of this Act, if such property is maintained in usable condition.

16 USC 460d
note.

Approved December 29, 1981.

LEGISLATIVE HISTORY—S. 1493:

SENATE REPORT No. 97-270 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 127 (1981):

Nov. 18, considered and passed Senate.

Nov. 23, considered and passed House, amended.

Dec. 16, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 53 (1981):

Dec. 29, Presidential statement.