

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

## TRANSFER OF FUNCTIONS

California Debris Commission abolished and functions transferred to Secretary of the Army by Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, set out as a note under section 661 of this title.

**Executive Documents**

## TRANSFER OF FUNCTIONS PERTAINING TO AIR FORCE

For transfer of certain functions insofar as they pertain to Air Force, and to extent that they were not previously transferred to Secretary of the Air Force and Department of the Air Force from Secretary of the Army and Department of the Army, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

**§ 684. Cooperation by commission with State authorities**

For the purpose of securing harmony of action and economy in expenditures in the work to be done by the United States and the State of California, respectively, the former in its plans for the improvement and protection of the navigable streams and to prevent the depositing of mining debris or other materials within the same, and the latter in its plans authorized by law for the reclamation, drainage, and protection of its lands, or relating to the working of hydraulic mines, the said commission is empowered to consult thereon with a commission of engineers of said State, if authorized by said State for said purpose, the result of such conference to be reported to the Chief of Engineers of the United States Army, and if by him approved shall be followed by said commission.

(Mar. 1, 1893, ch. 183, §24, 27 Stat. 511.)

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**§ 685. Construction by commission of restraining works, etc.; use of debris fund**

Said commission, in order that such material as is now or may hereafter be lodged in the tributaries of the Sacramento and San Joaquin River systems resulting from mining operations, natural erosion, or other causes, shall be prevented from injuring the said navigable rivers or such of the tributaries of either as may be navigable and the land adjacent thereto, is directed and empowered, when appropriations are made therefor by law, or sufficient money is deposited for that purpose in said debris fund, to build at such points above the head of navigation in said rivers and on the main tributaries thereof, or

branches of such tributaries, or any place adjacent to the same, which in the judgment of said commission, will effect said object (the same to be of such material as will insure safety and permanency), such restraining or impounding dams and settling reservoirs, with such canals, locks, or other works adapted and required to complete same. The recommendations contained in Executive Document Numbered 267, Fifty-first Congress, second session, and Executive Document Numbered 98, Forty-seventh Congress, first session, as far as they refer to impounding dams, or other restraining works, are adopted, and the same are directed to be made the basis of operations.

(Mar. 1, 1893, ch. 183, §25, 27 Stat. 511.)

**Editorial Notes**

## REFERENCES IN TEXT

Executive Document Numbered 267, referred to in text, contained a report by a board of engineers created by act Oct. 1, 1888, ch. 1057, 25 Stat. 498.

Executive Document Numbered 98, referred to in text, contained a report of Lieut. Col. G. H. Mendell, Corps of Engineers, U.S.A., dated Jan. 26, 1882, prepared pursuant to a provision in act June 14, 1880, ch. 211, 21 Stat. 196.

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**§ 686. Construction of restraining works in conjunction with State**

The Secretary of the Army, in expending appropriations in the preparation for and construction of works for the restraining or impounding of mining debris in the State of California, is authorized to enter into an agreement that the contractor shall look solely to the State of California for one-half of such expense, to be paid out of said State's appropriation, and the United States shall in nowise be liable for said one-half.

The Secretary of the Army, in carrying out the provisions of any Act of Congress, providing for the restraining or impounding of mining debris in California, may, in his discretion, when in his judgment the aggregate of appropriations already made by said State and Congress and available therefor are sufficient to complete the same, undertake the works necessary thereto by hired labor and by purchase of supplies and materials therefor, and may accept payments on account thereof as the work progresses under and according to the provisions of the acts of the legislature of said State for such purposes.

(July 1, 1898, ch. 546, §1, 30 Stat. 631; Mar. 3, 1899, ch. 425, §1, 30 Stat. 1148; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of act Mar. 3, 1899, popularly known as the "Rivers and Harbors Appropriation

Act of 1899", and not as part of act Mar. 1, 1893, ch. 183, 27 Stat. 507, which comprises this chapter.

As originally enacted the first paragraph read as follows: "The provisions of an Act of Congress, entitled 'An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes,' approved July first, eighteen hundred and ninety-eight, authorizing the Secretary of War, in expending certain specified appropriations in the preparation for and construction of certain works for the restraining or impounding of mining debris in the State of California, to enter into a contract or contracts wherein the contractor or contractors shall look solely to that State for one-half of such expense, and that the United States shall in no wise be liable for said one-half, are hereby extended to any appropriations, when made, that may hereafter be made for said purposes."

Act July 1, 1898 authorized Secretary of War, in contracting for construction of certain proposed works, to enter into an agreement that contractor should look solely to California for half of expenses.

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#### § 687. Use of State dredge and appliances in river and harbor improvements

The Secretary of the Army is authorized to accept from the State of California the use of any dredger, or appliances owned or controlled by said State, conformably to any offer thereof by the said State; and the Secretary of the Army is authorized to use any such dredger or appliances in any river or harbor improvement that may be prosecuted therein by the United States, either on the part of the United States alone or conjointly with said State: *Provided*, That nothing shall be paid to the State of California for the use of said dredger, and that nothing herein contained shall create any liability against the United States.

(Mar. 3, 1899, ch. 425, §1, 30 Stat. 1148; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

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#### CHAPTER 15—FLOOD CONTROL

Sec.	Flood control generally.
701.	Declaration of policy of 1944 act.
701-1.	Declaration of policy of 1936 act.
701a.	"Flood control" defined; jurisdiction of Federal investigations.
701a-1.	Supervision of Secretary of the Army; reclamation projects unaffected.
701b.	Transfer of jurisdiction in certain cases to Department of Agriculture.
701b-1.	Cooperation by Secretaries of the Army and Agriculture; expenditures.
701b-2.	Examinations and surveys; availability of appropriations.
701b-3.	Administration of surveys; number authorized; reports.
701b-4.	Omitted.
701b-5.	Examinations and surveys by Secretary of Agriculture.
701b-6.	Supplemental reports to Senate Environment and Public Works Committee and House Public Works Committee.
701b-7.	Submission of report by Chief of Engineers.
701b-8.	Discontinuance of preliminary examination reports.
701b-8a.	Availability of appropriations for expenses incident to operation of power boats or vessels; expenses defined; certification of expenditures.
701b-9.	Omitted.
701b-10.	Flood protection projects.
701b-11.	Floodplain management requirements.
701b-12.	Repealed.
701b-13.	Structural integrity evaluations.
701b-14.	Non-Federal plans to provide additional flood risk reduction.
701b-15.	Management of flood risk reduction projects.
701b-16.	Corps of Engineers Western Water Cooperative Committee.
701b-17.	Rights-of-way, easements, etc.; acquisition by local authorities; maintenance and operation; protection of United States from liability for damages; requisites to run-off and water-flow retardation and soil erosion prevention assistance.
701c.	Acquirement of titles for certain projects and to lands, easements, rights-of-way; reimbursement of local agencies.
701c-1.	Acquisition and sale of land.
701c-2.	Lease receipts; payment of portion to States.
701c-3.	Compacts between States; consent of Congress.
701d.	Effect of act June 22, 1936, on provisions for Mississippi River and other projects.
701e.	Authorization of appropriations.
701f.	Additional authorization.
701f-1.	Funds for specific and authorized projects merged with and accounted for under regular annual appropriation.
701f-2.	Expenditure in watersheds of funds appropriated for flood prevention purposes.
701f-3.	Removal of obstructions; clearing channels.
701g.	Contributions by States, political subdivisions, and other non-Federal interests.
701h.	Contributions by States and political subdivisions for immediate use on authorized flood-control work; repayment.
701h-1.	No adverse effect on processes.
701h-2.	State contribution of funds for certain operation and maintenance costs.
701h-3.	Acceptance of funds for harbor dredging.
701h-4.	Elimination from protection of areas subject to evacuation.
701i.	Installation in dams of facilities for future development of hydroelectric power.
701j.	Crediting reimbursements for lost, stolen, or damaged property.
701k.	Repealed.
701l, 701l-1.	Repealed.