H643-20

101st Congress
2d Session

HOUSE OF REPRESENTATIVES

Report
101-966

Top

WATER RESOURCES DEVELOPMENT ACT OF 1990

October 27, 1990.—Ordered to be printed

1008-C
1008-D

Mr. Nowak, from the committee of conference, submitted the following

CONFERENCE REPORT

41.1/8:101-966.

[To accompany S. 2740]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2740) to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Water Resources Development Act of 1990".

(b) Table of Contents.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Small navigation projects.
Sec. 104. Small flood control projects.
Sec. 105. Bay City, Michigan.
Sec. 106. Delaware River and tributaries, Pennsylvania.
Sec. 107. Continuation of authorization of certain projects.
Sec. 108. Hazard, Kentucky.
Sec. 109. Sauk Lake, Minnesota.
Sec. 110. Rehabilitation of Federal flood control levees.
Sec. 111. Belen, New Mexico.
Sec. 112. Lower Truckee River, Nevada.

49-006

11/27

Sec. 113. Arkansas Post Navigation Canal.
Sec. 114. Struthers, Ohio.
Sec. 115. Maysville, Kentucky.
Sec. 116. Studies.
Sec. 117. Cranston, Rhode Island.
Sec. 118. Technical assistance for New York Harbor.
Sec. 119. Project deauthorizations.
Sec. 120. Half Moon Bay Harbor.

TITLE II—LAND TRANSFERS

Sec. 201. Sneads, Florida.
Sec. 202. Ira D. Maclachlan American Legion Post, Sault Sainte Marie, Michigan.
Sec. 203. Aberdeen, Washington.
Sec. 204. Release of reversionary interest to Clay County, Georgia.
Sec. 205. Conveyance of Oakland Inner Harbor Tidal Canal property to cities of Oakland and Alameda, California.

TITLE III—GENERALLY APPLICABLE PROVISIONS

Sec. 301. Planning and engineering.
Sec. 302. Emergency response.
Sec. 303. Construction of navigation projects by non-federal interests.
Sec. 304. Project modifications for improvement of environment.
Sec. 305. Ability to pay.
Sec. 306. Environmental protection mission.
Sec. 307. Wetlands.
Sec. 308. Flood plain management.
Sec. 309. Shoreline protection.
Sec. 310. Reservoir management.
Sec. 311. Reservoir project operations.
Sec. 312. Environmental dredging.
Sec. 313. Protection of recreational and commercial uses.
Sec. 314. Operation and maintenance of hydroelectric facilities.
Sec. 315. Matters to be addressed in planning.
Sec. 316. Harbor maintenance trust fund amendment.
Sec. 317. Single entities.
Sec. 318. Technical assistance to private entities.
Sec. 319. Fees for development of State water plans.
Sec. 320. Cabin site leases.
Sec. 321. Information on floods and flood damages.
Sec. 322. Reduced pricing for certain water supply storage.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Great Lakes remedial action plans.
Sec. 402. Cross Florida Barge Canal.
Sec. 403. Wappingers Lake and Lake George, New York.
Sec. 404. Demonstration of construction of Federal project by non-federal interests.
Sec. 405. Upper Mississippi River plan.
Sec. 406. Construction of Virgin Islands projects by Secretary of the Army.
Sec. 407. Virginia Beach, Virginia.
Sec. 408. Declaration of nonnavigability for portions of Lake Erie.
Sec. 409. Wetlands enhancement opportunities.
Sec. 410. Raystown Lake, Pennsylvania.
Sec. 411. Onondaga Lake, New York.
Sec. 412. Alternatives to mud dump site for disposal of dredged material.
Sec. 413. Albermarle Sound-Poanoke River Basin, North Carolina.
Sec. 414. Rondout Creek and Wallkill River, New York and New Jersey.
Sec. 415. Regulation of Dworshak Dam, Idaho.
Sec. 416. Southeast light on Block Island, Rhode Island.
Sec. 417. Magnetic levitation technology.
Sec. 418. Riverside, California.
Sec. 419. Buy American.
Sec. 420. Sense of Congress.
Sec. 421. Woodlawn Beach, Hamburg, New York.

LAKE PONTCHARTRAIN AND VICINITY, LOUISIANA

The Lake Pontchartrain and Vicinity, Louisiana hurricane protection project provides hurricane protection to the metropolitan New Orleans area. As originally authorized by Section 204 of Public Law 89-298 the recommended plan included the construction of a large barrier structure to prevent storm water surges from entering Lake Pontchartrain and flooding developed areas during hurricanes. In 1977, as a result of environmental litigation, a plan for the construction of high level levees was substituted for the barrier plan.

It was not necessary for the original barrier plan to address the problems associated with outfall canals that provide drainage of storm waters into Lake Pontchartrain from the City of New Orleans. These problems must not be resolved in completing the high level plan. One option under consideration is the contruction of structures which will close the outfall canals at London and Orleans Avenues during periods of hurricane conditions. Local authorities have raised legitimate concerns that this would result in flooding within the City because water discharged from drainage pumps would not flow into Lake Pontchartrain when the structures are closed.

The conferees do not believe it was the intent of Congress in authorizing this project to compound flooding or drainage problems in the City of New Orleans. Therefore, the conferees direct the Corps to treat the outfall canals as part of the overall hurricane protection project, and to favorably consider a plan that raises the levees along the entire lengths of the London Avenue and Orleans Avenue Canals to grades sufficient to confine a standard project hurricane with costs to be borne by both Federal and local assuring authorities.

CROSS FLORIDA BARGE CANAL

The conference agreement includes a provision deauthorizing the Cross Florida Barge Canal and transfers to the State of Florida, without consideration, all Federal lands acquired for the canal, and facilities completed for the project, for the purposes of combining them with State-acquired lands and creating a "greenway corridor." The deauthorization and land transfer are conditioned upon the State, through a resolution adopted by the Governor and State Cabinet, agreeing to several terms. The primary terms include the following:

First, the State must agree to create, preserve and maintain a greenway corridor along the original canal route (from the Gulf of Mexico to the Atlantic Ocean) to be used by the public only for compatible recreation and conservation activities as defined in a management plan to be developed by the State. The management plan must describe the actual boundaries for the corridor which must be at least 300 yards wide except for those areas where a) as of the date of enactment, the State owned no land or the land it did own was less than 300 yards wide, or b) a road or bridge crosses the corridor. It is the conferees' intention that the State management plan describe in a comprehensive fashion how the State will create, manage and improve the greenway.