APPENDIX A
Enabling Legislation

WAPPINGERS LAKE
WAPPINGERS FALLS, NEW YORK
APRIL 1993

PUBLIC LAW 99-662—NOV. 17, 1986

WATER RESOURCES DEVELOPMENT ACT OF 1986

FIVE MILE CREEK, DALLAS, TEXAS

The project for flood protection along Five Mile Creek, Dallas, Texas, including dredging of a channel at the lower end of such creek and developing a retention structure at the upper end of such creek, at a total cost of $1,460,000.

FOX RIVER CHANNEL, GREEN BAY, WISCONSIN

The project to deepen the Fox River Channel, Green Bay, Wisconsin, to a depth of twenty-seven feet, at a total cost of $3,460,000.

(d) SECTION 107 PROJECTS.—The Secretary is authorized and directed to carry out the following projects under section 107 of the River and Harbor Act of 1960:

33 USC 577.

LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA

Subject to section 903(a) of this Act, the project to maintain the Larkspur Ferry Channel, Larkspur, California, at a depth sufficient for ferry boat service between Marin County and San Francisco, California, at a total cost of $3,340,000.

SHELBURNE BAY, VERMONT

The project for navigation at LaPlatte River, Shelburne Bay, Vermont, at a total cost of $250,000.

RUDEE INLET, VIRGINIA

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia: Report of the Division Engineer, dated February 4, 1983, at a total cost of $1,270,000.

AGAT SMALL BOAT HARBOR, GUAM

Subject to section 903(a) of this Act, the project to construct the Agat small boat harbor in Guam, at a total cost of $4,040,000, with an estimated first Federal cost of $2,816,000 and an estimated first non-Federal cost of $1,224,000.

SEC. 602. LAKES PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary shall carry out programs for the removal of silt, aquatic growth, and other material in the following lakes:

Minnesota. (1) Albert Lea Lake, Freeborn County, Minnesota, removal of silt and aquatic growth;

Indiana. (2) Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, removal of silt, aquatic growth, and other material and construction of silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River;

New Jersey. (3) Greenwood Lake and Belcher Creek, New Jersey, removal of silt and stumps;

Minnesota. (4) Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, removal of silt and aquatic growth;

New Jersey. (5) Deal Lake, Monmouth County, New Jersey, removal of silt and stumps and the control of pollution from nonpoint sources;

(6) Lake Worth, Tarrant County, Texas, removal of silt and aquatic growth, including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Lake Worth; such project shall also provide for the use of dredged material from Lake Worth for the reclamation of despoiled land; Texas.

(7) Hamlet City Lake, Hamlet, North Carolina, removal of accumulated silt and debris including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Hamlet City Lake; North Carolina.

(8) Lake Herman, Lake County, South Dakota, removal of excess silt; and South Dakota.

(9) Gorton's Pond, Warwick, Rhode Island, mitigation activities recommended in the 1982 Environmental Protection Agency diagnostic feasibility study, including the installation of retention basins, the dredging of inlets and outlets in recommended areas and the disposal of dredge material, and weed harvesting and nutrient inactivation. Rhode Island.

(b) The non-Federal share of the cost of each project carried out under this section shall be 25 percent.

(c) The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of the program under subsection (a), together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act. 33 USC 1324.

(d) There is authorized to be appropriated $40,000,000 for fiscal years beginning after September 30, 1986, to carry out this section. Not more than $8,000,000 may be obligated for any project under subsection (a).

SEC. 603. STREAMBANK EROSION CONTROL PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary is authorized to carry out a program to plan, design, and construct streambank erosion control projects listed in subsection (f) when, in the opinion of the Secretary, such work is economically justified and environmentally acceptable. Prior to construction of any projects for this purpose, non-Federal interests shall agree to provide, without cost to the United States, all lands, easements, and rights-of-way necessary for construction and subsequent operation of the project; hold and save the United States free from damages due to construction, operation, and maintenance of the project, except damages due to the fault or negligence of the United States or its contractors; and operate and maintain the project upon completion. The non-Federal share of the cost of each project carried out under this section shall be 25 percent. Lands, easements, and rights-of-way provided by non-Federal interests shall be credited to the non-Federal share.

(b) For the purposes of this section, $30,000,000 is authorized to be appropriated to the Secretary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991. Not more than $5,000,000 shall be allotted for the construction of a project under this section at any single locality and such amount shall be sufficient to complete Federal participation in the project.

(c) The program of projects under this section shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

101ST CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
101-966

WATER RESOURCES DEVELOPMENT ACT OF 1990

OCTOBER 27, 1990.—Ordered to be printed

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

CONFERENCE REPORT

[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.—

49-006

route as to which less than fee title was obtained, or to purchase privately owned lands, or easements over such privately owned lands, lying within the proposed project route, consistent with paragraphs (2), (3), and (4) of this subsection, according to such priorities as are determined in the management plan to be developed by the State for former project lands. Any remaining funds generated from the sale of former project lands declared surplus by the State shall be used for the improvement and management of the greenway corridor consistent with paragraphs (2), (3), and (4) of this subsection.

"(c) ENFORCEMENT.—

"(1) REMEDIES AND JURISDICTION.—The United States is directed to vigorously enforce the agreement referred to in subsections (a) and (b) in the courts of the United States and shall be entitled to any remedies in equity or law, including, without limitation, injunctive relief. The court, in issuing any final order in any suit brought pursuant to this subsection, may, in its discretion, award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party. The United States district courts shall have original and exclusive jurisdiction of any action under this subsection.

"(2) STATE REMEDIES.—The State shall be entitled to the same remedies listed in paragraph (1) of this subsection in the courts of the State or of the United States.

"(d) TIME OF TRANSFER.—Actual transfer of lands and management responsibilities under this section shall not occur on the constructed portions of the project lying between the Atlantic Ocean and the Eureka Lock and Dam, inclusive, and between the Gulf of Mexico and the Inglis Lock and Dam, inclusive, until the last day of the 24-month period beginning on the date of the enactment of the Water Resources Development Act of 1990.

"(e) MANAGEMENT PENDING TRANSFER.—In the 24-month period following the date of the enactment of the Water Resources Development Act of 1990, the Secretary shall carry out any and all programmed maintenance on the portions of the project outlined in subsection (d).

"(f) SURVEY.—The exact acreage and legal description of the real property to be transferred pursuant to this section shall be determined by a survey which is satisfactory to the Secretary and to the State. The cost of such survey shall be borne by the State.".

SEC. 403. WAPPINGERS LAKE AND LAKE GEORGE, NEW YORK.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148-49) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(10) Wappingers Lake, New York, for removal of silt and aquatic growth; and

"(11) Lake George, New York, for removal of silt and aquatic growth, stump removal, and the control of pollution.".

lake measurements taken by the New York Department of Environmental Conservation (NYDEC) revealed large sections of the lake with depths under five feet. More recently a 1992 lake drawdown of 2.5 feet exposed substantial portions of lake bottom. If this pattern continues, as the natural pattern of ecological succession from lake to marshland suggests it will, the continued silting in of Wappinger Lake will soon make much of the lake inaccessible for fishing and boating, its primary uses.

Lake depth reduction has been compounded by the invasive growth of water chestnut (Trapa natans). The water chestnut growth has expanded to literally cover the entire lake (excluding a 20 foot wide cleared swath through which boats navigate from the boat rental source (Weichenberg, personal observation). Water chestnut is a particularly virulent nuisance. Listed as one of the "exotic plants with identified detrimental impacts on wildlife habitats in New York State" (Decker et. al., 1987), water chestnut can make boating, fishing or swimming difficult or impossible. The fruiting bodies, or nuts, contain sharp spines capable of inflicting injury, while the vegetative growth has been shown to accelerate sedimentation by trapping silt (Matsuo, 1979). Water chestnut may also have a detrimental effect on water quality in that organic material derived from water chestnut may be a precursor to toxic trihalogenated methanes (Besha and Countryman, 1980). In studies on limited geographical areas (Schmidt, pers. com.) dissolved oxygen content deep within the water chestnut beds has been decreased dramatically, and may even have led to fish kills. Table 1 reproduced from Hudsonia (Kiviat, 1993) gives an overview of the impacts of water chestnut.

An additional problem with water quality is caused by algael blooms (most probably blue-green algae) during the summer months. These blooms are also malodorous, and act as a deterrent to the recreational uses of Wappinger Lake.

Water quality and sedimentation control measures by the Village of Wappinger Falls have consisted largely of water chestnut harvesting in an attempt to reduce the reproductive ability of the plant. The harvester utilized has been a model 650, one of the larger capacity harvesters. The large capacity, and therefore weight of the harvester (when loaded) results in a draft of over two feet. Water chestnuts grow in many areas of the lake which have become too shallow for the harvester to enter. Reduced lake depth in conjunction with the harvester's limitations have resulted in poor water