

APPENDIX G – PERTINENT PUBLIC LAWS

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- Public Law 59-209, Antiquities Act of 1906. The first federal law established to protect what are now known as "cultural resources" on public lands. It provides a permit procedure for investigating "antiquities" and consists of two parts: An act for the Preservation of American Antiquities, and Uniform Rules and Regulations.
- Public Law 74-292, Historic Sites Act of 1935. Declares it to be a national policy to preserve for (in contrast to protecting from) the public, historic (including prehistoric) sites, buildings, and objects of national significance. This act provides both authorization and a directive for the Secretary of the Interior, through the National Park Service, to assume a position of national leadership in the area of protecting, recovering, and interpreting national archeological historic resources. It also establishes an "Advisory Board on National Parks; Historic Sites, Buildings, and Monuments, a committee of eleven experts appointed by the Secretary to recommend policies to the Department of the Interior".
- Public Law 75-761, Flood Control Act of 1938. This act authorizes the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.
- Title 16 U.S. Code §§ 668-668a-d, 54 Stat. 250, Bald Eagle Protection Act of 1940, as amended. This Act prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who take, possess, sell, purchase, barter, offer to sell, transport, export or import, at any time or any manner, any bald eagle [or any golden eagle], alive or dead, or any part, nest, or egg thereof. The Act defines "take" as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.
- Public Law 78-534, Flood Control Act of 1944 as amended. - Section 4 of the act as last amended in 1962 by Section 207 of Public Law 87-874 authorizes USACE to construct, maintain, and operate public parks and recreational facilities in reservoir areas and to grant leases and licenses for lands, including facilities, preferably to federal, state or local governmental agencies.
- Public Law 79-525, River and Harbor Act of 1946. This act authorizes the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.
- Public Law 83-780, Flood Control Act of 1954. This act authorizes the construction, maintenance, and operation of public parks and recreational facilities in reservoir areas under the control of the Department of the Army and authorizes the Secretary of the Army to grant leases of lands in reservoir areas deemed to be in the public interest.
- Public Law 85-624, Fish and Wildlife Coordination Act 1958. - This act as amended in 1965 sets down the general policy that fish and wildlife conservation shall receive equal consideration with other project purposes and be coordinated with other features of water resource development programs. Opportunities for improving fish and wildlife resources and adverse effects on these resources

shall be examined along with other purposes which might be served by water resources development.

- Public Law 86-717, Forest Conservation. - This act provides for the protection of forest and other vegetative cover for reservoir areas under this jurisdiction of the Secretary of the Army and the Chief of Engineers.
- Public Law 87-874, Rivers and Harbors Act of 1962. This act authorizes the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.
- Public Law 88-578, Land and Water Conservation Fund Act of 1965. This act established a fund from which Congress can make –appropriations for outdoor recreation. Section 2(2) makes entrance and user fees at reservoirs possible by deleting the words "without charge" from Section 4 of the 1944 Flood Control Act as amended.
- Public Law 88-29, 28 May 1963, authorized the Secretary of the Interior to inventory and classify outdoor recreation needs and resources and to prepare a comprehensive outdoor recreation plan taking into consideration the plans of the various federal agencies, State, and other political subdivisions. It also states that the federal agencies undertaking recreational activities shall consult with the Secretary of the Interior concerning these activities and shall carry out such responsibilities in general conformance with the nationwide plan.
- Public Law 89-72, Federal Water Project Recreation Act of 1965. - This act requires that not less than one-half the separable costs of developing recreational facilities and all operation and maintenance costs at federal reservoir projects shall be borne by a non-federal public body. A HQUSACE/OMB implementation policy made these provisions applicable to projects completed prior to 1965.
- Public Law 89-90, Water Resources Planning Act (1965). This act established the Water Resources Council and gives it the responsibility to encourage the development, conservation, and use of the Nation's water and related land resources on a coordinated and comprehensive basis.
- Public Law 89-272, Solid Waste Disposal Act, as amended by PL 94-580, dated October 21, 1976. This act authorized a research and development program with respect to solid-waste disposal. It proposes (1) to initiate and accelerate a national research and development program for new and improved methods of proper and economic solid-waste disposal, including studies directed toward the conservation of national resources by reducing the amount of waste and unsalvageable materials and by recovery and utilization of potential resources in solid waste; and (2) to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development, and conduct of solid-waste disposal programs.

- Public Law 89-665, Historic Preservation Act of 1966. - This act provides for: (1) an expanded National Register of significant sites and objects; (2) matching grants to states undertaking historic and archeological resource inventories; and (3) a program of grants-in aid to the National Trust for Historic Preservation; and (4) the establishment of an Advisory Council on Historic Preservation. Section 106 requires that the President’s Advisory Council on Historic Preservation have an opportunity to comment on any undertaking which adversely affects properties listed, nominated, or considered important enough to be included on the National Register of Historic Places.
- Public Law 90-483, River and Harbor and Flood Control Act of 1968, Mitigation of Shore Damages. Section 210 restricted collection of entrance fee at USACE lakes and reservoirs to users of highly developed facilities requiring continuous presence of personnel.
- Public Law 91-190, National Environmental Policy Act of 1969 (NEPA). – NEPA declared it a national policy to encourage productive and enjoyable harmony between man and his environment, and for other purposes. Specifically, it declared a “continuing policy of the Federal Government... to use all practicable means and measures...to foster and promote the general welfare, to create conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” Section 102 authorized and directed that, to the fullest extent possible, the policies, regulations and public law of the United States shall be interpreted and administered in accordance with the policies of the Act. It is Section 102 that requires consideration of environmental impacts associated with Federal actions. Section 101 of NEPA requires the federal government to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony.

Specifically, Section 101 of the National Environmental Policy Act declares:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation risk to health or safety or other undesirable and unintended consequences;
- Preserve important historic, cultural, and natural aspects of our national heritage and maintain wherever possible an environment which supports diversity and variety of individual choice;
- Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities: and
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

- Public Law 91-611, River and Harbors and Flood Control Act of 1970. – Section 122e. Establishes the requirement for evaluating the economic, social, and environmental impacts of projects.
- Public Law 92-347, Golden Eagle Passbook and Special Recreation User Fees. This act revises Public Law 88-578, the Public Land and Water Conservation Act of 1965, to require federal agencies to collect special recreation user fees for the use of specialized sites developed at federal expense and to prohibit the USACE from collecting entrance fees to projects.
- Public Law 92-500, Federal Water Pollution Control Act Amendments of 1972. The Federal Water Pollution Control Act of 1948 (PL 845, 80th Congress), as amended in 1956, 1961, 1965 and 1970 (PL 91- 224), established the basic tenet of uniform State standards for water quality. Public Law 92-500 strongly affirms the federal interest in this area. "The objective of this act is to restore and maintain the chemical, physical and biological integrity of the Nation's waters."
- Public Law 92-516, Federal Environmental Pesticide Control Act of 1972. This act completely revises the Federal Insecticide, Fungicide and Rodenticide Act. It provides for complete regulation of pesticides to include regulation, restrictions on use, actions within a single State, and strengthened enforcement.
- Public Law 93-81, Collection of Fees for Use of Certain Outdoor Recreation Facilities. This act amends Section 4 of the Land and Water Conservation Act of 1965, as amended to require each federal agency to collect special recreation use fees for the use of sites, facilities, equipment, or services furnished at federal expense.
- Public Law 93-205, Conservation, Protection, and Propagation of Endangered Species Act of 1973, as amended. This law repeals the Endangered Species Conservation Act of 1969. It also directs all federal departments/agencies to carry out programs to conserve endangered and threatened species of fish, wildlife, and plants and to preserve the habitat of these species in consultation with the Secretary of the Interior. This Act establishes a procedure for coordination, assessment, and consultation. This Act was amended by Public Law 96-159.
- Public Law 93-251, Water Resources Development Act of 1974. Section 107 of this law establishes a broad federal policy which makes it possible to participate with local governmental entities in the costs of sewage treatment plan installations.
- Public Law 93-291, Archeological Conservation Act of 1974. The Secretary of the Interior shall coordinate all federal survey and recovery activities authorized under this expansion of the 1960 act. The Federal Construction agency may transfer up to one percent of project funds to the Secretary with such transferred funds considered non-reimbursable project costs.
- Public Law 93-303, Recreation Use Fees. This act amends Section 4 of the Land and Water Conservation Act of 1965, as amended, to establish less restricted

criteria under which federal agencies may charge fees for the use of campgrounds developed and operated at federal areas under their control.

- Public Law 93-523, Safe Drinking Water Act. The act assures that water supply systems serving the public meet minimum national standards for protection of public health. The act (1) authorizes the Environmental Protection Agency to establish federal standards for protection from all harmful contaminants, which standards would be applicable to all public water systems, and (2) establishes a joint Federal-State system for assuring compliance with these standards and for protecting underground sources of drinking water.
- Public Law 94-422, Amendment of the Land and Water Conservation Fund Act of 1965. Expands the role of the Advisory Council. Title 2 - Section 102a amends Section 106 of the Historical Preservation Act of 1966 to say that the Council can comment on activities which will have an adverse effect on sites either included in or eligible for inclusion in the National Register of Historic Places.
- Public Law 95-217, Clean Water Act of 1977, as amended. This Act amends the Federal Water Pollution Control Act of 1970 and extends the appropriations authorization. The Clean Water Act is a comprehensive federal water pollution control program that has as its primary goal the reduction and control of the discharge of pollutants into the nation's navigable waters. The Clean Water Act of 1977 has been amended by the Water Quality Act of 1987, Public Law 100-4.
- Public Law 95-341, American Indian Religious Freedom Act of 1978. The Act protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use and possession of sacred objections, and the freedom to worship through ceremonials and traditional rites.
- Public Law 95-632, Endangered Species Act Amendments of 1978. This law amends the Endangered Species Act Amendments of 1973. Section 7 directs agencies to conduct a biological assessment to identify threatened or endangered species that may be present in the area of any proposed project. This assessment is conducted as part of a federal agency's compliance with the requirements of Section 102 of NEPA.
- Public Law 96-95, Archeological Resources Protection Act of 1979. This Act protects archeological resources and sites that are on public and tribal lands and fosters increased cooperation and exchange of information between governmental authorities, the professional archeological community, and private individuals. It also establishes requirements for issuance of permits by the federal land managers to excavate or remove any archeological resource located on public or Indian lands.
- Public Law 98-63, Supplemental Appropriations Act of 1983. This Act authorized the USACE Volunteer Program. The United States Army Chief of Engineers may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the USACE, except policymaking or law or regulatory enforcement.

- Public Law 99-662, The Water Resources Development Act 1986. Provides for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure.
- Public Law 101-601, Native American Graves Protection and Repatriation Act (16 November 1990), requires federal agencies to return Native American human remains and cultural items, including funerary objects and sacred objects, to their respective peoples.