

APPENDIX D – PERTINENT PUBLIC LAWS

- House Document 74-308. Proposed the construction of the Caddoa Dam and Reservoir for flood control and irrigation purposes
- Public Law 74-738, Flood Control Act of 1936 as amended by the Public Law 75-761, Flood Control Act of 1938 – Authorized the construction of the Caddoa Dam and Reservoir for flood control and irrigation purposes.
- Public Law 76-667. Chapter 430, 3rd Session. Changed to name of the project to John Martin Reservoir Project in honor of John A Martin, the lake Congressman from Colorado.
- Public Law 78-534, Flood Control Act of 1944. 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 85-624, Fish and Wildlife Coordination Act 1958. – The FWCA 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 Act. This Act provides for the protection of forest and other vegetative cover for reservoir areas under the jurisdiction of USACE.
- Public Law 89-298, Flood Control Act of 1965. Authorizes the Chief of Engineers to use and not to exceed 10,000 acre-feet of flood control storage space in the reservoir for the purpose of establishing and maintaining a permanent pool for fish and wildlife and recreations purposes at such times as storage space may be available for such permanent pool within the conservation pool as defined in Article III F, Arkansas River Compact (63 Stat. 145).
- 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 91-190, National Environmental Policy Act of 1969. 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 89-665, National Historic Preservation Act of 1966 (NHPA). Establishes a national policy of preserving, restoring, and maintaining cultural resources. It requires Federal agencies to take into account the effect an action may have on sites that may be eligible for inclusion on the National Register of Historic Places.
 - Public Law 101-601, Native American Graves Protection and Repatriation Act. Requires Federal agencies to return Native American human remains and cultural items, including funerary objects and sacred objects, to their respective peoples.
 - 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 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 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 program.
- 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 91-611, River and Harbor and Flood Control Act of 1970. Section 234 provides that persons designated by the Chief of Engineers shall have authority to issue a citation for violations of regulations and rules of the Secretary of the Army, published in the Code of Federal Regulations.
- Public Law 92-463, Federal Advisory Committee Act. The Federal Advisory Committee Act became law in 1972 and is the legal foundation defining how federal advisory committees operate. The law has special emphasis on open meetings, chartering, public involvement, and reporting.
- 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 93-251, 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 plant 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 NRHP.
- Public Law 99-662, The Water Resources Development Act. Provides for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure.