

## INFORMATION CONCERNING FLOOD CONTROL PUBLIC HEARINGS

1. All interested parties are invited to submit plans or descriptions of improvements desired and to be present or to be represented at the flood control public hearing announced in attached notice, particularly those interested in the control of floods and the protection of watershed values, and the officials of any county, city, town or local association whose interests may be affected by the improvements desired. They will be given an opportunity to express their views upon the suitability and adequacy of said improvements with reference to the control of floods, water supply and conservation, run-off and water-flow retardation, soil erosion prevention, and the maintenance of vegetative cover, and to suggest changes therein that they may consider desirable. Water power incidental to any of the foregoing will be considered.

2. The following flood control information is requested:

a. Description in detail of the character and location of the improvements desired and their approximate estimated cost.

b. Full information as to the extent and character of areas threatened by, or subject to floods, including monetary value and productivity of said areas.

c. The economic and other justification for the expenditures that may be entailed by the desired improvements, based upon: Saving of life and protection to property, improvement to drainage, conservation of water, the development of power, and benefits to navigation, if any.

d. Description of floods, their frequency and severity, and damages that have been inflicted thereby.

e. The monetary value of benefits expected to accrue to lands, public and private property, utilities, business activities and other interests from the desired improvements.

f. Any other information that may be pertinent to the question of flood control of the stream or streams.

3. The Act of Congress, copy of which is attached to notice of public hearing, requires certain items of local cooperation. In this connection, the following is requested:

a. Resolution, by responsible body or agency; that the items of local cooperation called for by the aforesaid act, relative to water conservation, will be complied with. This resolution should state, if practicable, the time within which said items of cooperation will be fulfilled, after notification, provided a project for the proposed improvements is adopted by Congress, and give the authority under which said responsible body or agency functions and under which it can so cooperate.

b. If said resolution cannot be submitted until later, a letter should be submitted so stating and explaining the situation.

c. If no local cooperation is to be expected, a letter to this effect should be submitted, with explanations, as soon as practicable.

d. If only partial fulfillment of aforesaid required items of cooperation is expected at this time, such should be reported by letter. This letter should specify the items that can be fulfilled and give the time within which the requirements of said items will be complied with, after notification as per foregoing subparagraph 3 a. The letter should also specify any other cooperation and/or contribution which the United States may expect from local interests toward the cost of the desired improvements, or in construction, at local expense, of complementary works.

4. The following information is requested concerning watershed conditions and their relation to floods and their control:

a. Description of the extent and nature of soil erosion, accelerated run-off, and depletion of forest and vegetative cover.

b. Full information concerning the effects of present or impending injurious watershed conditions on livestock, forage and timber production, availability of surface and subsurface waters, regulation of water-flow, improvement to drainage, accumulation of silt, soil fertility, saving of life, and protection to property, or on any other watershed values.

c. Description in detail of the watershed program desired and needed.

d. The monetary value of benefits based on past and future uses expected to accrue to lands, public and private property, utilities, business activities, agricultural and other interests from the desired watershed program; also the improvement in the condition of the rural and urban populations which are dependent on the watershed resources. The economic and other justification for the expenditures that may be entailed in any proposed watershed program based upon the above information.

5. Section 4 of the Act of August 28, 1937, calls for certain items of cooperation in connection with soil conservation, and water-flow retardation, as follows:

"Sec. 4. \* \* \* As a condition to the extending of any benefits, in prosecuting measures for run-off and water-flow retardation and soil erosion prevention authorized by Act of Congress pursuant to the policy declared in this Act, to any lands not owned or controlled by the United States or any of its agencies, the Secretary of

Agriculture may insofar as he may deem necessary for the purpose of such Acts, require--

"(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for run-off and water-flow retardation and soil-erosion prevention;

"(2) Agreements or covenants as to the permanent use of such lands; and

"(3) Contributions in money, services, materials, or otherwise to any operations conferring such benefits."

In this connection, local interests should be prepared at the hearing to present their desires and state whether they are prepared and willing to fulfill the above-mentioned items of cooperation.

6. Oral statements will be heard, but for accuracy of record all important facts and arguments pertaining to paragraphs 2, 3, and 4, should be submitted in writing, as the records of the hearing will be forwarded for consideration by the War Department and the Department of Agriculture. Written statements under each paragraph may be handed to the undersigned at the hearing, or preferably mailed to him beforehand. Seven copies of all written matter and exhibits should be submitted.

Theodore Wyman, Jr.,  
Major, Corps of Engineers,  
District Engineer.

PUBLIC NO. 761 75th CONGRESS  
H. R. 10618

AN ACT

Authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, hereafter, Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress.

SECTION 2. That section 3 of the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as heretofore amended and as herein further modified, shall apply to all flood control projects, except as otherwise specifically provided by law.

That in case of any dam and reservoir project, or channel improvement or channel rectification project for flood control, herein authorized or heretofore authorized by the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as amended, and by the Act of May 15, 1928 (Public, Numbered 391, Seventieth Congress) as amended by the Act of June 15, 1936 (Public, Numbered 678, Seventy-fourth Congress), as amended, title to all lands, easements, and rights-of-way for such project shall be acquired by the United States or by States, political subdivisions thereof or other responsible local agencies and conveyed to the United States, and provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall not apply thereto. Notwithstanding any restrictions, limitations, or requirement of prior consent provided by any other Act, the Secretary of War is hereby authorized and directed to acquire in the name of the United States title to all lands, easements, and rights-of-way necessary for any dam and reservoir project or channel improvement or channel rectification project for flood control, with funds heretofore or hereafter appropriated or made available for such projects, and States, political subdivisions thereof, or other responsible local agencies, shall be granted and reimbursed, from such funds, sums equivalent to actual expenditures deemed reasonable by the Secretary of War and the Chief of Engineers and made by them in acquiring lands easements, and rights-of-way for any dam and reservoir project, or any channel improvement or channel rectification project for flood control heretofore or herein authorized: Provided, That no reimbursement shall be made for any indirect or speculative damages: Provided further, That lands, easements and rights-of-way shall include lands on which dams, reservoirs, channel improvements, and channel rectifications are located; land or flow-age rights in reservoirs and highway, railway, and utility relocation.

SECTION 3. That in any case where the construction cost of levees or flood walls included in any authorized project can be substantially reduced by the evacuation of a portion or all of the area proposed to be protected and by the elimination of that portion or all of the area from the protection to be afforded by the project, the Chief of Engineers may modify the plan of said project so as to eliminate said portion or all of the area: Provided, That a sum not substantially exceeding the amount thus saved in construction cost may be expended by the Chief of Engineers, or in his discretion may be transferred to any other appropriate Federal agency for expenditure, toward the evacuation of the locality eliminated from protection and the rehabilitation of the persons so evacuated: And provided further, That the Chief of Engineers may, if he so desires, enter into agreement with States, local agencies, or the individuals concerned for the accomplishment by them, of such evacuation and rehabilitation and for their reimbursement from said sum for expenditures actually incurred by them for this purpose.

SECTION 4. That the following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated: Provided, That penstocks or other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers and of the Federal Power Commission.

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SECTION 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control including floods aggravated by or due to tidal effect at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and waterflow retardation and soil-erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes; Provided, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior Act or joint resolution shall be made: Provided further, That after the regular or formal reports made as hereby authorized on any examination, survey, project, or work under way or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law or by resolution of the Committee on Flood Control of the House of Representatives or the Committee on Commerce of the Senate: And provided further, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway mentioned in this Act until the project for the proposed work shall have been adopted by law:

Gila River and Tributaries, Arizona and New Mexico.  
Virgin River and tributaries, Nevada, Arizona and Utah.  
Kanab Creek, Utah and Arizona.  
Streams draining into the Great Salt Lake and the Great Basin,  
Utah and Nevada.  
Short Creek, Arizona and Utah.  
Beaver Dam Wash, Arizona, Utah and Nevada.  
Colorado River and its tributaries above Lees Ferry, Arizona.  
La Plata River in Colorado.  
Paonia, (North Fork of Gunnison River) Colorado.  
West Divide Creek, Colorado.  
Mancos River, Colorado.  
Yampa River, Colorado.  
Montezuma River, Colorado.  
Kremmling, Troublesome River, Colorado.  
Streams in Los Angeles and Ventura Counties draining the Santa Monica  
Mountains, California, directly into the Pacific Ocean.  
Santa Ynez River and its tributaries, California.  
Santa Margarita River and tributaries, California.

Approved, June 28, 1938.

SCHEDULE OF HEARINGS  
PRELIMINARY EXAMINATION (FLOOD CONTROL)  
PUBLIC NO. 761  
APPROVED JUNE 28, 1938

Time, date and place of hearing	Streams to be considered *
St. George, Utah, 2:00 p.m., Fri., Sept. 9. (Population - 2,434)	Virgin River and tributaries, in Nevada, Arizona and Utah. Beaver Dam Wash, Arizona, Utah and Nevada. Short Creek, Arizona and Utah.
Kanab, Utah, 2:00 p.m., Sat., Sept. 10. (Population - 1,125)	Kanab Creek, Utah and Arizona Paria and Escalante Rivers.
Durango, Colo., 10:00 a.m., Tues., Sept. 13. (Population - 5,400)	Mancos, La Plata and Anamis Rivers, and San Juan River above Shiprock.
Monticello, Utah, 10:00 a.m., Thurs., Sept. 15. (Population - 500)	Montezuma River, and San Juan River below Shiprock.
Grand Junction, Colo., 9:00 a.m., Fri. Sept. 16. (Population - 10,247)	Colorado River and tributaries above Lees Ferry, Arizona. Also Kremmling, Troublesome River, West Divide Creek, and north fork of Gunnison River.
Craig, Colo., 2:00 p.m. Sat., Sept. 17. (Population - 1,418)	Yampa and White Rivers, Including Green River.
Price, Utah, 9:00 a.m., Mon., Sept. 19. (Population - 4,084)	Fremont, Green, San Rafael, Price and Duchesne Rivers.
Salt Lake City, Utah, 10:00 a.m., Tues., Sept. 20. (Population - 140,267)	Streams draining into Great Salt Lake and Sevier River.

\* Information may be submitted at any of the hearings showing the desires of local interests with respect to flood control and related subjects. However, it is desirable that information relating to the broad aspects of flood control and water utilization in the Colorado River Basin above Lees Ferry, Arizona, be presented at the hearing which will be held at Grand Junction, Colo.