

1976, will submit to the Congress the results of this study and demonstration program including recommendations whether to continue this authority or to change the criteria stated in subsection (b) of this section.

**(e) “Controllable diversion” defined**

For purposes of this section, controllable diversion is defined as that diversion at Wilmette, O’Brien, and Chicago River control structures which is not attributable to leakage or which is not necessary for navigational requirements.

(Pub. L. 94-587, §166, Oct. 22, 1976, 90 Stat. 2934.)

**§ 426l. Protection of Lake Ontario**

**(a) Plan for shoreline protection and beach erosion control; report to Congress**

The Secretary of the Army, acting through the Chief of Engineers, is directed to develop a plan for shoreline protection and beach erosion control along Lake Ontario, and report on such plan to the Congress as soon as practicable. Such report shall include recommendations on measures of protection and proposals for equitable cost sharing, together with recommendations for regulating the level of Lake Ontario to assure maximum protection of the natural environment and to hold shoreline damage to a minimum.

**(b) Minimization of damage and erosion to Lake Ontario shoreline**

Until the Congress receives and acts upon the report required under subsection (a) of this section, all Federal agencies having responsibilities affecting the level of Lake Ontario shall, consistent with existing authority, make every effort to discharge such responsibilities in a manner so as to minimize damage and erosion to the shoreline of Lake Ontario.

**(c) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$2,000,000.

**(d) Short title**

This section may be cited as the “Lake Ontario Protection Act of 1976.”

(Pub. L. 94-587, §180, Oct. 22, 1976, 90 Stat. 2939.)

**§ 426m. Collection and removal of drift and debris from publicly maintained commercial boat harbors and adjacent land and water areas**

**(a) Congressional findings**

The Congress finds that drift and debris on or in publicly maintained commercial boat harbors and the land and water areas immediately adjacent thereto threaten navigational safety, public health, recreation, and the harborfront environment.

**(b) Responsibility of Secretary of the Army for development of projects; project undertakings exempt from specific Congressional approval**

(1) The Secretary of the Army, acting through the Chief of Engineers, shall be responsible for developing projects for the collection and removal of drift and debris from publicly main-

tained commercial boat harbors and from land and water areas immediately adjacent thereto.

(2) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake projects developed under paragraph (1) of this subsection without specific congressional approval when the total Federal cost for the project is less than \$400,000.

**(c) Federal share of costs; responsibility of non-Federal interests in future project development to recover cost or repair sources**

The Federal share of the cost of any project developed pursuant to subsection (b) of this section shall be two-thirds of the cost of the project. The remainder of such costs shall be paid by the State, municipality, or other political subdivision in which the project is to be located, except that any costs associated with the collections and removal of drift and debris from federally owned lands shall be borne by the Federal Government. Non-Federal interests in future project development under subsection (b) of this section shall be required to recover the full cost of drift or debris removal from any identified owner of piers or other potential sources of drift or debris, or to repair such sources so that they no longer create a potential source of drift or debris.

**(d) Responsibility for providing lands, easements, and right-of-way necessary for projects; agreement to maintain projects and hold United States free from damages; regulation of project area following project completion; technical advice**

Any State, municipality, or other political subdivision where any project developed pursuant to subsection (b) of this section is located shall provide all lands, easements, and right-of-way necessary for the project, including suitable access and disposal areas, and shall agree to maintain such projects and hold and save the United States free from any damages which may result from the non-Federal sponsor’s performance of, or failure to perform, any of its required responsibilities of cooperation for the project. Non-Federal<sup>1</sup> interest shall agree to regulate any project area following project completion so that such area will not become a future source of drift and debris. The Chief of Engineers shall provide technical advice to non-Federal interests on the implementation of this subsection.

**(e) Definitions**

For the purposes of this section—

(1) the term “drift” includes any buoyant material that, when floating in the navigable waters of the United States, may cause damage to a commercial or recreational vessel; and

(2) the term “debris” includes any abandoned or dilapidated structure or any sunken vessel or other object that can reasonably be expected to collapse or otherwise enter the navigable waters of the United States as drift within a reasonable period.

**(f) Authorization of appropriations**

There is authorized to be appropriated to carry out this section such sums as may be nec-

<sup>1</sup> So in original.