

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.)

**§ 426I. 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.

essary for fiscal years beginning after September 30, 1986.

(Pub. L. 94-587, §202, Oct. 22, 1976, 90 Stat. 2945; Pub. L. 99-662, title XI, §1129(a), Nov. 17, 1986, 100 Stat. 4246.)

#### AMENDMENTS

1986—Subsec. (f). Pub. L. 99-662 amended subsec. (f) generally, substituting “such sums as may be necessary for fiscal years beginning after Sept. 30, 1986” for “not to exceed \$4,000,000 per fiscal year for fiscal years 1978 and 1979”.

#### § 426n. Technical assistance to States and local governments; cost sharing

(a) Upon request of the Governor of a State, or the appropriate official of local government, the Secretary is authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable to such State or local government for its use in carrying out—

(1) projects for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof; and

(2) projects for renovating navigable streams and tributaries thereof by means of predominantly nonstructural methods judged by the Secretary to be cost effective, for the purpose of improved drainage, water quality, and habitat diversity.

(b) The non-Federal share of the cost of any designs, plans, specifications or technical assistance provided under subsection (a) shall be 50 percent.

(Pub. L. 99-662, title IX, §942, Nov. 17, 1986, 100 Stat. 4199.)

#### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2201 of this title.

#### § 426o. Great Lakes material disposal

In planning and implementing any navigation project (including maintenance thereof) on the Great Lakes and adjacent waters, the Secretary shall consult and cooperate with concerned States in selecting disposal areas for dredged material which is suitable for beach nourishment.

(Pub. L. 99-662, title XI, §1154, Nov. 17, 1986, 100 Stat. 4256.)

#### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2201 of this title.

#### § 426o-1. Great Lakes dredging levels adjustment

##### (a) Definition of Great Lake

In this section, the term “Great Lake” means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

##### (b) Dredging levels

In operating and maintaining Federal channels and harbors of, and the connecting channels

between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

(Pub. L. 106-541, title III, §343, Dec. 11, 2000, 114 Stat. 2613.)

#### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-541, set out as a note under section 2201 of this title.

#### § 426o-2. Great Lakes navigation and protection

##### (a) Great Lakes navigation

Using available funds, the Secretary shall expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and Connecting Channels for the purpose of supporting commercial navigation to authorized project depths.

##### (b) Great Lakes pilot project

Using available funds, the Director of the Animal and Plant Health Inspection Service, in coordination with the Secretary, the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, and the Director of the United States Fish and Wildlife Service, shall carry out a pilot project, on an emergency basis, to control and prevent further spreading of viral hemorrhagic septicemia in the Great Lakes and Connecting Channels.

##### (c) Great Lakes and Connecting Channels defined

In this section, the term “Great Lakes and Connecting Channels” includes Lakes Superior, Huron, Michigan, Erie, and Ontario, all connecting waters between and among such lakes used for commercial navigation, any navigation features in such lakes or waters that are a Federal operation or maintenance responsibility, and areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

(Pub. L. 110-114, title V, §5014, Nov. 8, 2007, 121 Stat. 1195.)

#### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

#### § 426p. Corps of Engineers

##### (a) Technical and other assistance

The Secretary of the Army may—

(1) provide emergency assistance to prevent or reduce damage attributable to high water levels in the Great Lakes, including provision of sandbags, sheeting, and stones and other armoring devices (taking account of flooding and erosion of other property which may be caused by such activity) but not including construction of permanent structures;

(2) provide technical assistance to individuals and local governments with respect to measures to prevent or reduce such damage; and