

ment for the project that is approved by the agency with administrative jurisdiction over the project; and

(ii) will bear not less than one-half of the planning and capital costs of such expansion or modification and not less than one-half of the costs of the operation, maintenance, and replacement attributable to the expansion of the facility.

(2) The Federal share of the cost of expanding or modifying a recreational facility described in paragraph (1) may not exceed 50 percent of the total cost of expanding or modifying the facility.

(Pub. L. 89-72, § 3, July 9, 1965, 79 Stat. 214; Pub. L. 93-251, title I, § 77(a)(3), Mar. 7, 1974, 88 Stat. 33; Pub. L. 102-575, title XXVIII, § 2804(b), (d), Oct. 30, 1992, 106 Stat. 4691.)

REFERENCES IN TEXT

This part, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 89-72, which enacted sections 4601-12 to 4601-21 of this title and amended sections 4601-5(a) and 662(d) of this title.

AMENDMENTS

1992—Subsec. (b)(1). Pub. L. 102-575, § 2804(b), struck out “within ten years” after “execute an agreement” and substituted “not less than one-half the costs of planning studies, and the costs of operation, maintenance, and replacement attributable” for “all costs of operation, maintenance, and replacement attributable”.

Subsec. (c). Pub. L. 102-575, § 2804(d), added subsec. (c). 1974—Subsec. (b)(1). Pub. L. 93-251 substituted “modifications provided for recreation, and will bear one-quarter of such costs for fish and wildlife enhancement” for “modifications provided for either or both of those purposes, as the case may be”.

EFFECTIVE DATE OF 1974 AMENDMENT

For effective date of amendment by Pub. L. 93-251, see section 77(b) of Pub. L. 93-251, set out as a note under section 4601-13 of this title.

§ 4601-15. Lease of facilities and lands to non-Federal public bodies

At projects, the construction of which has commenced or been completed as of July 9, 1965, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the¹ not less than one-half the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

(Pub. L. 89-72, § 4, July 9, 1965, 79 Stat. 215; Pub. L. 102-575, title XXVIII, § 2804(c), Oct. 30, 1992, 106 Stat. 4691.)

AMENDMENTS

1992—Pub. L. 102-575 substituted “not less than one-half the costs of operation” for “costs of operation”.

§ 4601-16. Postauthorization development of projects without allocation or reallocation of costs

Nothing herein shall be construed as preventing or discouraging postauthorization develop-

ment of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

(Pub. L. 89-72, § 5, July 9, 1965, 79 Stat. 215.)

§ 4601-17. Miscellaneous provisions

(a) Project reports; outdoor recreation views; conformity to State comprehensive plan

The views of the Secretary of the Interior developed in accordance with section 4601-2 of this title, with respect to the outdoor recreation aspects shall be set forth in any report of any project or appropriate unit thereof within the purview of this part. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to section 4601-8(d) of this title.

(b) Omitted

(c) Migratory waterfowl refuges at Federal projects; expenditure limitation for acquisition of lands

Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) Nonapplication to certain projects

This part shall not apply to the Tennessee Valley Authority, but the Authority is authorized to recognize and provide for recreational and other public uses at any dams and reservoirs heretofore or hereafter constructed in a manner consistent with the promotion of navigation, flood control, and the generation of electrical energy, as otherwise required by law, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended [43 U.S.C. 422a et seq.], or under authority of the Watershed Protection and Flood Prevention Act, as amended [16 U.S.C. 1001 et seq.].

(e) Nonapplication to certain other projects

Sections 4601-13, 4601-14, 4601-15, and 4601-16 of this title shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Fed-

¹ So in original. The word “the” probably should not appear.