

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 the<sup>1</sup> 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-

<sup>1</sup> So in original. The word "the" probably should not appear.

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-

eral program for the conservation and development of fish and wildlife.

**(f) Interpretation of “nonreimbursable”**

As used in this part, the term “nonreimbursable” shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

**(g) Nonapplication of section 4601-9(a)(2) to nonreimbursable costs of the United States**

Section 4601-9(a)(2) of this title shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to section 4601-13(a) or section 4601-14(b)(1) of this title.

**(h) Deposits in Treasury as miscellaneous receipts; deposits of revenue from conveyance of certain lands in Land and Water Conservation Fund**

All payments and repayment by non-Federal public bodies under the provisions of this part shall be deposited in the Treasury as miscellaneous receipts, and revenue from the conveyance by deed, lease, or otherwise, of lands under section 4601-14(b)(2) of this title shall be deposited in the Land and Water Conservation Fund.

(Pub. L. 89-72, § 6, July 9, 1965, 79 Stat. 216; Pub. L. 94-576, Oct. 21, 1976, 90 Stat. 2728.)

REFERENCES IN TEXT

This part, referred to in subsecs. (a), (d), (f), and (h), 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.

The Small Reclamation Projects Act, referred to in subsec. (d), is act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§422a et seq.) of chapter 12 of Title 43, Public Lands. For complete classification of this Act to the Code, see section 422k of Title 43 and Tables.

The Watershed Protection and Flood Prevention Act, referred to in subsec. (d), is act Aug. 4, 1954, ch. 656, 68 Stat. 666, as amended, which is classified generally to chapter 18 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

Subsec. (b) of this section amended section 662(d) of this title.

AMENDMENTS

1976—Subsec. (d). Pub. L. 94-576 authorized recreational and other public uses at dams and reservoirs consistent with promotion of navigation, flood control, and generation of electrical energy.

**§ 4601-18. Authority of Secretary of the Interior**

**(a) Provision of facilities, acquisition of lands, and provision for public use and enjoyment of project lands, facilities, and water areas in coordination with other project purposes; execution of agreements before providing lands, facilities, and project modifications**

The Secretary is authorized, in conjunction with any reservoir heretofore constructed by him pursuant to the Federal reclamation laws or any reservoir which is otherwise under his control, except reservoirs within national wildlife refuges, to investigate, plan, construct, op-

erate and maintain, or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities, to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public outdoor recreation or fish and wildlife use, and to provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes. Lands, facilities and project modifications for the purposes of this subsection may be provided only after an agreement in accordance with subsection (b) or (c) of section 4601-14 of this title has been executed.

**(b) Agreements with government agencies to promote development and operation of lands or facilities for recreation and fish and wildlife enhancement purposes**

The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

**(c) Transfer of lands; consent of other Federal agencies to use of lands for recreation or fish and wildlife purposes; transfers to Secretary of Agriculture of forest lands; continuing administration of lands and waters for other project purposes; prohibition against limitation of authority under existing provisions of law**

No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water