

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

resource projects or to disposition of public lands for such purposes.

(Pub. L. 89-72, § 7, July 9, 1965, 79 Stat. 216; Pub. L. 102-377, title II, § 206, Oct. 2, 1992, 106 Stat. 1332; Pub. L. 102-575, title XXVIII, § 2804(e), Oct. 30, 1992, 106 Stat. 4692.)

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-575, § 2804(e)(2), substituted “subsection (b) or (c) of section 4601-14” for “subsection 4601-14(b)”.

Pub. L. 102-575, § 2804(e)(1), which directed amendment of subsec. (a) by striking “purposes: *Provided*,” and all that follows through end of sentence and inserting “purposes”, could not be executed because the words “purposes: *Provided*,” did not appear subsequent to amendment by Pub. L. 102-377. See below.

Pub. L. 102-377 substituted “purposes.” for “purposes: *Provided*. That not more than \$100,000 shall be available to carry out the provisions of this subsection at any one reservoir.”

#### § 4601-19. Feasibility reports

Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding.

(Pub. L. 89-72, § 8, July 9, 1965, 79 Stat. 217.)

#### § 4601-20. Construction of projects under certain laws with allocations to recreation and fish and wildlife enhancement exceeding allocations to other functions unauthorized; exception

Nothing contained in this part shall be taken to authorize or to sanction the construction under the Federal reclamation laws or under any Rivers and Harbors or Flood Control Act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic and industrial water supply, navigation, and flood control, except that this section shall not apply to any such project for the enhancement of anadromous fisheries, shrimp, or for the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio.

(Pub. L. 89-72, § 9, July 9, 1965, 79 Stat. 217.)

#### REFERENCES IN TEXT

This part, referred to in text, 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.

Rivers and Harbors or Flood Control Act, referred to in text, is classified principally to Title 33, Navigation and Navigable Waters.

#### § 4601-21. Definitions

As used in this part:

(a) The term “project” shall mean a project or any appropriate unit thereof.

(b) The term “separable costs,” as applied to any project purpose, means the difference be-

tween the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

(c) The term “joint costs” means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

(d) The term “feasibility report” shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

(e) The term “capital cost” includes interest during construction, wherever appropriate.

(Pub. L. 89-72, § 10, July 9, 1965, 79 Stat. 218.)

#### REFERENCES IN TEXT

This part, referred to in text, 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.

#### PART D—LAND TRANSFERS

#### § 4601-22. Conveyance of property and interests in property in national park system and miscellaneous areas

##### (a) Freehold and leasehold interests; competitive bidding

With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

##### (b) Exchange of lands; other disposal; equal land values

The Secretary of the Interior is authorized to accept title to any non-Federal property or interest therein within a unit of the National Park System or miscellaneous area under his administration, and in exchange therefor he may convey to the grantor of such property or interest any Federally-owned property or interest therein under his jurisdiction which he de-