

## AMENDMENTS

2009—Subsec. (d), Pub. L. 111-84 added subsec. (d).

**§ 1220d. “Obsolete ship” defined**

For purposes of sections 1220, 1220a, 1220b, and 1220c of this title, the term “obsolete ship” means any vessel owned by the Department of Transportation that has been determined to be of insufficient value for commercial or national defense purposes to warrant its maintenance and preservation in the national defense reserve fleet and has been designated as an artificial reef candidate.

(Pub. L. 92-402, § 8, formerly § 7, as added Pub. L. 98-623, title II, § 207(4), Nov. 8, 1984, 98 Stat. 3397; renumbered § 8, Pub. L. 107-314, div. C, title XXXV, § 3504(a)(1)(A), Dec. 2, 2002, 116 Stat. 2754.)

**CHAPTER 26—ESTUARINE AREAS**

Sec.	
1221.	Congressional declaration of policy.
1222.	General study and inventory of estuaries and their natural resources.
1223.	Agreements with States and subdivisions; equitable sharing of costs; development improvements; availability of appropriations; State hunting and fishing laws applicable.
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1225.	State consideration of protection and restoration of estuaries in State comprehensive planning and proposals for financial assistance under certain Federal laws; grants; terms and conditions, prohibition against disposition of lands without approval of the Secretary.
1226.	Federal agency authority to carry out Federal project within an estuary unaffected.

**§ 1221. Congressional declaration of policy**

Congress finds and declares that many estuaries in the United States are rich in a variety of natural, commercial, and other resources, including environmental natural beauty, and are of immediate and potential value to the present and future generations of Americans. It is therefore the purpose of this chapter to provide a means for considering the need to protect, conserve, and restore these estuaries in a manner that adequately and reasonably maintains a balance between the national need for such protection in the interest of conserving the natural resources and natural beauty of the Nation and the need to develop these estuaries to further the growth and development of the Nation. In connection with the exercise of jurisdiction over the estuaries of the Nation and in consequence of the benefits resulting to the public, it is declared to be the policy of Congress to recognize, preserve, and protect the responsibilities of the States in protecting, conserving, and restoring the estuaries in the United States.

(Pub. L. 90-454, § 1, Aug. 3, 1968, 82 Stat. 625.)

**§ 1222. General study and inventory of estuaries and their natural resources****(a) Estuaries included; considerations; other applicable studies**

The Secretary of the Interior, in consultation and in cooperation with the States, the Sec-

retary of the Army, and other Federal agencies, shall conduct directly or by contract a study and inventory of the Nation's estuaries, including without limitation coastal marshlands, bays, sounds, seaward areas, lagoons, and land and waters of the Great Lakes. For the purpose of this study, the Secretary shall consider, among other matters, (1) their wildlife and recreational potential, their ecology, their value to the marine, anadromous, and shell fisheries and their esthetic value, (2) their importance to navigation, their value for flood, hurricane, and erosion control, their mineral value, and the value of submerged lands underlying the waters of the estuaries, and (3) the value of such areas for more intensive development for economic use as part of urban developments and for commercial and industrial developments. This study and inventory shall be carried out in conjunction with the comprehensive estuarine pollution study authorized by section 5(g) of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1254(n)], and other applicable studies.

**(b) Federal or State land acquisition or administration; other protective methods**

The study shall focus attention on whether any land or water area within an estuary and the Great Lakes should be acquired or administered by the Secretary or by a State or local subdivision thereof, or whether such land or water area may be protected adequately through local, State, or Federal laws or other methods without Federal land acquisition or administration.

**(c) Report to Congress; recommendations; authorization for acquisition of lands; consultation with States and Federal agencies; accompanying statement of views, probable effects, and major trends**

The Secretary of the Interior shall, not later than January 30, 1970, submit to the Congress through the President a report of the study conducted pursuant to this section, together with any legislative recommendations, including recommendations on the feasibility and desirability of establishing a nationwide system of estuarine areas, the terms, conditions, and authorities to govern such system, and the designation and acquisition of any specific estuarine areas of national significance which he believes should be acquired by the United States. No lands within such area may be acquired until authorized by subsequent Act of Congress. Recommendations made by the Secretary for the acquisition of any estuarine area shall be developed in consultation with the States, municipalities, and other interested Federal agencies. Each such recommendation shall be accompanied by (1) expressions of any views which the interested States, municipalities, and other Federal agencies and river basin commissions may submit within sixty days after having been notified of the proposed recommendations, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal programs in the basin wherein such area is located, (3) in the absence of such a plan, a statement indicating the probable effect

of the recommended action on alternative beneficial users of the resources of the proposed estuarine area, and (4) a discussion of the major economic, social, and ecological trends occurring in such area.

**(d) Authorization of appropriations**

There is authorized to be appropriated not to exceed \$250,000 for fiscal year 1969 and \$250,000 for fiscal year 1970 to carry out the provisions of this section. Such sums shall be available until expended.

(Pub. L. 90-454, § 2, Aug. 3, 1968, 82 Stat. 626.)

REFERENCES IN TEXT

Section 5(g) of the Federal Water Pollution Control Act, as amended, referred to in text, was originally classified to section 466c(g) of Title 33, Navigation and Navigable Waters. Section 5(g) of the Act was redesignated as section 5(m) by sec. 105(l) of Pub. L. 91-224, Apr. 3, 1970, 84 Stat. 111, and was reclassified to section 1155(m) of Title 33. The Federal Water Pollution Control Act was amended generally by sec. 2 of Pub. L. 92-500, Oct. 18, 1972, 86 Stat. 816, and the provisions relating to comprehensive estuarine pollution study are contained in section 104(n), which is classified to section 1254(n) of Title 33.

**§ 1223. Agreements with States and subdivisions; equitable sharing of costs; development improvements; availability of appropriations; State hunting and fishing laws applicable**

After the completion of the general study authorized by section 1222 of this title, the Secretary of the Interior, with the approval of the President, may enter into an agreement, containing such terms and conditions as are mutually acceptable, with any State or with a political subdivision or agency thereof (if the agreement with such subdivision or agency is first approved by the Governor of the State involved or by a State agency designated for that purpose) for the permanent management, development, and administration of any area, land, or interests therein within an estuary and adjacent lands which are owned or thereafter acquired by a State or by any political subdivision thereof: *Provided*, That, with the approval of the Governor of the State involved or of a State agency designated for that purpose, the Secretary may also enter into such an agreement for any particular area whenever the segment of the general study applicable to that area is completed subject to the provisions of subsections (a) and (b) of section 1222 of this title. Such agreement shall, among other things, provide that the State or a political subdivision or agency thereof and the Secretary shall share in an equitable manner in the cost of managing, administering, and developing such areas, and such development may include the construction, operation, installation, and maintenance of buildings, devices, structures, recreational facilities, access roads, and other improvements, and such agreement shall be subject to the availability of appropriations. State hunting and fishing laws and regulations shall be applicable to such areas to the extent they are now or hereafter applicable.

(Pub. L. 90-454, § 3, Aug. 3, 1968, 82 Stat. 627.)

**§ 1224. Commercial and industrial development considerations; reports to Congress; recommendations**

In planning for the use or development of water and land resources, all Federal agencies shall give consideration to estuaries and their natural resources, and their importance for commercial and industrial developments, and all project plans and reports affecting such estuaries and resources submitted to the Congress shall contain a discussion by the Secretary of the Interior of such estuaries and such resources and the effects of the project on them and his recommendations thereon. The Secretary of the Interior shall make his recommendations within ninety days after receipt of such plans and reports.

(Pub. L. 90-454, § 4, Aug. 3, 1968, 82 Stat. 627.)

**§ 1225. State consideration of protection and restoration of estuaries in State comprehensive planning and proposals for financial assistance under certain Federal laws; grants: terms and conditions, prohibition against disposition of lands without approval of the Secretary**

The Secretary of the Interior shall encourage States and local subdivisions thereof to consider, in their comprehensive planning and proposals for financial assistance under the Federal Aid in Wildlife Restoration Act (50 Stat. 917), as amended (16 U.S.C. 669 et seq.), the Federal Aid in Fish Restoration Act (64 Stat. 430), as amended (16 U.S.C. 777 et seq.), chapter 2003 of title 54, the Commercial Fisheries Research and Development Act of 1964<sup>1</sup> (78 Stat. 197) [16 U.S.C. 779 et seq.], and the Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965 (79 Stat. 1125) [16 U.S.C. 757a et seq.], the needs and opportunities for protecting and restoring estuaries in accordance with the purposes of this Act. In approving grants made pursuant to said laws for the acquisition of all or part of an estuarine area by a State, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such areas, including a provision that the lands or interests therein shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

(Pub. L. 90-454, § 5, Aug. 3, 1968, 82 Stat. 627; Pub. L. 113-287, § 5(d)(22), Dec. 19, 2014, 128 Stat. 3266.)

REFERENCES IN TEXT

The Federal Aid in Wildlife Restoration Act, as amended, referred to in text, is act Sept. 2, 1937, ch. 899, 50 Stat. 917, also known as the Pittman-Robertson Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Federal Aid in Fish Restoration Act, as amended, referred to in text, is act Aug. 9, 1950, ch. 658, 64 Stat. 430, also known as the Dingell-Johnson Sport Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

<sup>1</sup> See References in Text note below.