

94 Stat. 2371, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

§ 1286. Definitions

As used in this chapter, the term—

(a) “River” means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) “Free-flowing”, as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) “Scenic easement” means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner’s consent, any regular use exercised prior to the acquisition of the easement. For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for purposes of this chapter. Such an acquisition shall not constitute fee title ownership for purposes of section 1277(b) of this title.

(Pub. L. 90-542, §16, formerly §15, Oct. 2, 1968, 82 Stat. 918; Pub. L. 93-279, §1(c), May 10, 1974, 88 Stat. 123; renumbered Pub. L. 96-487, title VI, §606(a), Dec. 2, 1980, 94 Stat. 2416; Pub. L. 99-590, title V, §510, Oct. 30, 1986, 100 Stat. 3337.)

AMENDMENTS

1986—Subsec. (c). Pub. L. 99-590 inserted provisions relating to function of appropriate Secretary with respect to acquisition of fee title.

1974—Subsec. (c). Pub. L. 93-279 substituted “within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area” for “for the purposes of protecting the scenic view from the river”.

§ 1287. Authorization of appropriations

There are hereby authorized to be appropriated, including such sums as have heretofore been appropriated, the following amounts for land acquisition for each of the rivers (described in section 1274(a) of this title):

Clearwater, Middle Fork, Idaho, \$2,909,800;
 Eleven Point, Missouri, \$10,407,000;
 Feather Middle Fork, California, \$3,935,700;
 Rio Grande, New Mexico, \$253,000;
 Rogue, Oregon, \$15,147,000;
 St. Croix, Minnesota and Wisconsin, \$21,769,000;
 Salmon Middle Fork, Idaho, \$1,837,000;

Wolf, Wisconsin, \$142,150.

(Pub. L. 90-542, §17, formerly §16, Oct. 2, 1968, 82 Stat. 918; Pub. L. 93-279, §1(d), May 10, 1974, 88 Stat. 123; Pub. L. 94-273, §2(11), Apr. 21, 1976, 90 Stat. 375; Pub. L. 95-625, title VII, §§751-754, 763(c), Nov. 10, 1978, 92 Stat. 3532, 3533; renumbered Pub. L. 96-487, title VI, §606(a), Dec. 2, 1980, 94 Stat. 2416.)

AMENDMENTS

1978—Pub. L. 95-625, §§751-754, 763(c), increased appropriations authorization for the following rivers, substituting for:

Eleven Point, \$10,407,000 for \$4,906,500;
 Rogue, \$15,147,000 for \$12,447,200;
 Saint Croix, \$21,769,000 for \$11,768,550; and
 Salmon, \$1,837,000 for \$1,237,100; and

struck out subsec. (a) designation and subsec. (b) which provided for expiration of authority to make authorized appropriations on Sept. 30, 1979.

1976—Subsec. (b). Pub. L. 94-273 substituted “September” for “June”.

1974—Pub. L. 93-279 added subsecs. (a) and (b). Former unlettered provisions authorizing appropriation of amounts up to \$17,000,000 for the acquisition of lands and interests in land were struck out.

CHAPTER 29—WATER BANK PROGRAM FOR WETLANDS PRESERVATION

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§ 1301. Congressional declaration of policy; authority of Secretary

The Congress finds that it is in the public interest to preserve, restore, and improve the wetlands of the Nation, and thereby to conserve surface waters, to preserve and improve habitat for migratory waterfowl and other wildlife resources, to reduce runoff, soil and wind erosion, and contribute to flood control, to contribute to improved water quality and reduce stream sedimentation, to contribute to improved subsurface moisture, to reduce acres of new land coming into production and to retire lands now in agri-