

(Pub. L. 110-161, div. C, title I, § 121, Dec. 26, 2007, 121 Stat. 1946.)

SUBCHAPTER LXVII—COTTAGE SITE DEVELOPMENTS AND USES IN RESERVOIR AREAS

§ 460e. Authorization for sale of public lands; rights of lessee

Whenever the Secretary of the Army determines that any Government-owned lands other than lands withdrawn or reserved from the public domain within reservoir areas under his control (1) are not required for project purposes or for public recreational use, and (2) are being used for or are available for cottage site development and use, he is authorized to offer such lands, or any part thereof, for sale for such purposes in accordance with the provisions of this subchapter: *Provided, however*, That any lands held under lease for cottage site purposes on August 6, 1956 shall not be offered for sale to anyone other than the lessee until after sixty days from the date of the written notice to the lessee as provided in section 460f of this title, or the termination or expiration date of such lease, whichever is later, and the lessee shall have the right during such period to purchase any lands leased to him which the Secretary determines are available for sale.

(Aug. 6, 1956, ch. 987, § 1, 70 Stat. 1065.)

§ 460f. Notice and method of sale; price; conveyance

(a) Public notice

Public notice of the availability of the lands for sale for cottage site development and use shall be given in such manner as the Secretary of the Army may by regulation prescribe, including publication within the vicinity of the lands available for sale: *Provided, however*, That notice to lessees of cottage sites shall be given in writing within 90 days after publication of such regulations in the Federal Register and the notice shall state the appraised fair market value of the land available for sale to such lessee.

(b) Method of sale

The sale of lands for cottage site development and use shall be accomplished by any method which the Secretary of the Army determines to be in the public interest, including public auction, seal bids, and by negotiation with lessees and with others after competitive bidding.

(c) Price

The price to be paid for any lands sold for cottage site development and use pursuant to the provisions of this subchapter shall be not less than the appraised fair market value thereof as determined by the Secretary of the Army.

(d) Conveyance

The Secretary of the Army is authorized to convey by quitclaim deed all the right, title, and interest of the United States in and to the lands sold for cottage site development and use pursuant to the provisions of this subchapter, the conveyance to be on condition that the property conveyed shall be used for cottage site purposes

only, and in the event of use for any other purposes, title to the land and improvements shall revert to and vest in the United States; and subject to such other conditions, reservations, and restrictions as the Secretary may determine to be necessary for the management and operation of the reservoir, or for the protection of lessees or owners of cottage sites within the area.

(Aug. 6, 1956, ch. 987, § 2, 70 Stat. 1065.)

§ 460g. Transfer to State, etc., for roadway purposes

The Secretary of the Army may, by quitclaim deed, deed of easement, or otherwise, transfer to the State in which lands sold for cottage site development and use pursuant to this subchapter are located, or to any political subdivision thereof, or to any organization consisting of not less than 50 per centum of the owners of cottage sites in the area, without monetary consideration, any lands being used or to be used for roads primarily to serve the cottage site areas: *Provided, however*, That the deed or other instrument transferring such land shall specifically provide for appropriate use and maintenance of the property by the State, political subdivision, or organization, and any deed conveying title to such lands for roadway purposes shall contain the condition and limitation that in the event the land conveyed shall fail or cease to be used for roadway purposes the same shall immediately revert to and vest in the United States.

(Aug. 6, 1956, ch. 987, § 3, 70 Stat. 1065.)

§ 460h. Costs of surveys or relocation of boundaries

The costs of any surveys or the relocation of boundary markers necessary as an incident of a conveyance or other property transfer under this subchapter shall be borne by the grantee.

(Aug. 6, 1956, ch. 987, § 4, 70 Stat. 1066.)

§ 460i. Delegation of powers; regulations

The Secretary of the Army may delegate any authority conferred upon him by this subchapter to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(Aug. 6, 1956, ch. 987, § 5, 70 Stat. 1066.)

§ 460j. Disposition of proceeds

The proceeds from any sale made under this subchapter shall be covered into the Treasury of the United States as miscellaneous receipts.

(Aug. 6, 1956, ch. 987, § 6, 70 Stat. 1066.)

SUBCHAPTER LXVIII—NATIONAL
CONSERVATION RECREATIONAL AREAS

§ 460k. Public recreation use of fish and wildlife conservation areas; compatibility with conservation purposes; appropriate incidental or secondary use; consistency with other Federal operations and primary objectives of particular areas; curtailment; forms of recreation not directly related to primary purposes of individual areas; repeal or amendment of provisions for particular areas

In recognition of mounting public demands for recreational opportunities on areas within the National Wildlife Refuge System, national fish hatcheries, and other conservation areas administered by the Secretary of the Interior for fish and wildlife purposes; and in recognition also of the resulting imperative need, if such recreational opportunities are provided, to assure that any present or future recreational use will be compatible with, and will not prevent accomplishment of, the primary purposes for which the said conservation areas were acquired or established, the Secretary of the Interior is authorized, as an appropriate incidental or secondary use, to administer such areas or parts thereof for public recreation when in his judgment public recreation can be an appropriate incidental or secondary use: *Provided*, That such public recreation use shall be permitted only to the extent that is practicable and not inconsistent with other previously authorized Federal operations or with the primary objectives for which each particular area is established: *Provided further*, That in order to insure accomplishment of such primary objectives, the Secretary, after consideration of all authorized uses, purposes, and other pertinent factors relating to individual areas, shall curtail public recreation use generally or certain types of public recreation use within individual areas or in portions thereof whenever he considers such action to be necessary: *And provided further*, That none of the aforesaid refuges, hatcheries, game ranges, and other conservation areas shall be used during any fiscal year for those forms of recreation that are not directly related to the primary purposes and functions of the individual areas until the Secretary shall have determined—

(a) that such recreational use will not interfere with the primary purposes for which the areas were established, and

(b) that funds are available for the development, operation, and maintenance of these permitted forms of recreation. This section shall not be construed to repeal or amend previous enactments relating to particular areas.

(Pub. L. 87-714, §1, Sept. 28, 1962, 76 Stat. 653; Pub. L. 89-669, §9, Oct. 15, 1966, 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89-669 substituted “areas within the National Wildlife Refuge System” for “national wildlife refuges, game ranges” in introductory text.

SHORT TITLE

Pub. L. 87-714, which enacted this subchapter, is popularly known as the “Refuge Recreation Act”.

§ 460k-1. Acquisition of lands for recreational development; funds

The Secretary is authorized to acquire areas of land, or interests therein, which are suitable for—

(1) incidental fish and wildlife-oriented recreational development,

(2) the protection of natural resources,

(3) the conservation of endangered species or threatened species listed by the Secretary pursuant to section 1533 of this title, or

(4) carrying out two or more of the purposes set forth in paragraphs (1) through (3) of this section, and are adjacent to, or within, the said conservation areas, except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps.

Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent.

(Pub. L. 87-714, §2, Sept. 28, 1962, 76 Stat. 653; Pub. L. 92-534, Oct. 23, 1972, 86 Stat. 1063; Pub. L. 93-205, §13(d), Dec. 28, 1973, 87 Stat. 902.)

AMENDMENTS

1973—Pub. L. 93-205 inserted references to the acquisition of interest in land the conservation of endangered species or threatened species listed by the Secretary pursuant to section 1533 of this title.

1972—Pub. L. 92-534 substituted provisions authorizing the Secretary to acquire lands suitable for fish and wildlife oriented recreational development, or for the protection of natural resources and adjacent to conservation areas, for provisions authorizing the Secretary to acquire limited areas of land for recreational development adjacent to conservation areas in existence or approved by the Migratory Bird Conservation Commission as of September 28, 1962.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

§ 460k-2. Cooperation with agencies, organizations and individuals; acceptance of donations; restrictive covenants

In furtherance of the purposes of this subchapter, the Secretary is authorized to cooperate with public and private agencies, organizations, and individuals, and he may accept and use, without further authorization, donations of funds and real and personal property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors when such covenants are deemed by the Secretary to be compatible with the purposes of the wildlife refuges, game ranges, fish hatcheries, and other fish and wildlife conservation areas.

(Pub. L. 87-714, §3, Sept. 28, 1962, 76 Stat. 653.)

§ 460k-3. Charges and fees; permits; regulations; penalties; enforcement

The Secretary may establish reasonable charges and fees and issue permits for public use